



**Sen. Thomas Ada**  
Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guahan* • 33<sup>rd</sup> Guam Legislature

November 18, 2016

**The Honorable Judith T. Won Pat, Ed.D.**

Speaker

*I Mina Trentai Tres Na Liheslaturan Guahan*

155 Hesler Place

Hagåtña, Guam 96910

**VIA: The Honorable Rory J. Respicio**

Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 365-33 (COR) as amended**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 365-33 (COR) as amended, **“AN ACT TO ADD A NEW § 61106 TO CHAPTER 61, TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO SETTING A SEQUENTIAL PROCESS FOR THE APPLICATION REVIEW COMMITTEE (ARC) AND THE MUNICIPAL PUBLIC HEARING IN THE GUAM LAND USE COMMISSION APPLICATION PROCESS.”**

2016 NOV 21 AM 10:37

Committee votes are as follows:

- 2 TO DO PASS
- \_\_\_\_\_ TO NOT PASS
- 4 TO REPORT OUT ONLY
- \_\_\_\_\_ TO ABSTAIN
- \_\_\_\_\_ TO PLACE IN INACTIVE FILE

*Si Yu'os ma'ase',*

Thomas C. Ada



**Sen. Thomas Ada**

**Chairman**

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement

*I Mina Trentai Tres Na Libeslaturan Guahan* • 33<sup>rd</sup> Guam Legislature

## **COMMITTEE REPORT ON**

**Bill No. 365-33 (COR)**

**As amended**

**AN ACT TO ADD A NEW §61106 TO  
CHAPTER 61, TITLE 21 OF THE GUAM  
CODE ANNOTATED, RELATIVE TO  
SETTING A SEQUENTIAL PROCESS FOR  
THE APPLICATION REVIEW COMMITTEE  
(ARC) AND THE MUNICIPAL PUBLIC  
HEARING IN THE GUAM LAND USE  
COMMISSION APPLICATION PROCESS.**



## Sen. Thomas Ada

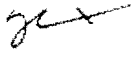
Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Libeslaturan Guahan* • 33<sup>rd</sup> Guam Legislature

November 18, 2016

### MEMORANDUM

To: **All Members**  
Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement

From: **Senator Thomas C. Ada**, Committee Chairperson 

Subject: **Committee Report on Bill No. 365-33 (COR) as amended**

Transmitted herewith for your consideration is the Committee Report on Bill No. 365-33 (COR) as amended, **“AN ACT TO ADD A NEW § 61106 TO CHAPTER 61, TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO SETTING A SEQUENTIAL PROCESS FOR THE APPLICATION REVIEW COMMITTEE (ARC) AND THE MUNICIPAL PUBLIC HEARING IN THE GUAM LAND USE COMMISSION APPLICATION PROCESS.”**

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 365-33 (COR), As Introduced
- Copy of Bill No. 365-33 (COR), As Amended
- Public Hearing Sign-in Sheet
- Written testimonies
- Copy of Fiscal Note Request
- Copy of Fiscal Note
- COR Referral of Bill No. 365-33 (COR)
- Notices of Public Hearing
- Public Hearing Agenda

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.



# Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement

*I Mina Trentai Tres Na Libeslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

## COMMITTEE VOTE SHEET

**Bill No. 365-33 (COR) as amended, "AN ACT TO ADD A NEW § 61106 TO CHAPTER 61, TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO SETTING A SEQUENTIAL PROCESS FOR THE APPLICATION REVIEW COMMITTEE (ARC) AND THE MUNICIPAL PUBLIC HEARING IN THE GUAM LAND USE COMMISSION APPLICATION PROCESS."**

COMMITTEE MEMBERS	SIGNATURE AND DATE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR THOMAS C. ADA Chairperson		<i>ada</i>				
SENATOR RORY J. RESPICIO Vice Chairperson	<i>Rory Respicio</i>			<i>NR</i> <i>11/18/16</i>		
VICE SPEAKER BENJAMIN J.F. CRUZ Member						
SENATOR FRANK B. AGUON, JR. Member	<i>11/18/16</i> <i>[Signature]</i>					
SENATOR DENNIS RODRIGUEZ, JR. Member	<i>[Signature]</i>			<i>✓</i> <i>11/18/16</i>		
SENATOR NERISSA UNDERWOOD Member	<i>[Signature]</i>			<i>✓</i>		
SENATOR FRANK BLAS, JR. Member						
SENATOR MARY TORRES Member	<i>11/18/16</i> <i>[Signature]</i>			<i>✓</i>		
SENATOR JAMES V. ESPALDON Member						



## Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guahan* • 33<sup>rd</sup> Guam Legislature

### COMMITTEE REPORT DIGEST

#### I. OVERVIEW

Bill No. 365-33 (COR) was introduced on August 16, 2016 by Senator Tom Ada and was subsequently referred on August 16, 2016 by the Committee on Rules to the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement.

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement convened a public hearing on September 23, 2016 at 1:00 pm in *I Liheslaturan's* Public Hearing Room to receive public testimony on Bill No. 365-33 (COR). Furthermore, village public hearings were also held in the following:

- Agat/Santa Rita on 9/14/16
- Merizo on 9/15/16
- Inarajan on 9/19/16
- Talofofo on 9/20/16
- Yona on 9/21/16
- Umatac on 10/27/16

#### Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on September 16, 2016 (5-Day Notice) and again on September 21, 2016 (48-Hour Notice). Publication was conducted in the September 21, 2016 issue of the *POST*, a newspaper of general circulation, fulfilling the 48-Hour Notice of the Open Government Law requirement.

#### Senators Present

Senator Thomas C. Ada	<i>Committee Chairperson</i>
Vice Speaker Benjamin Cruz	<i>Committee Member</i>
Senator Tommy Morrison	<i>Legislative Member</i>

The public hearing was Called-to-Order at 1:00pm.

#### II. SUMMARY OF TESTIMONY AND DISCUSSION:

**Chairperson Ada** calls the public hearing to order.

**Chairperson Ada:** The major points on Bill 365 is when a land use application is received by the Department of Land Management, we want to ensure that a copy of that land use application is provided to the municipalities of interest. The next major point is we want the Municipal Planning Councils to be informed by the findings of the ARC. As I understand, it doesn't always

work that way. Sometimes the Application Review Committee do their expert analysis and come up with their findings and conclusion but that information doesn't always get to the Municipal Planning Councils. Sometimes the Municipal Planning Council conducts their meetings before the ARC is finished and it'll probably be ideal if the council meeting is held and at the same time informed by the findings of the ARC. That way, the people who are in attendance will be able to listen to the expert findings and express themselves. Finally, the bill requires that representatives from the ARC be present at the MPC meeting to respond to questions regarding their findings and recommendations.

For Bill 366, it calls for a moratorium on development. This bill is complementary to Public Law 33-145 which was introduced by Senator Tommy Morrison and that bill calls for the development of the Southern Development Master Plan. Bill 366 will impose a land use moratorium for a period of two years or until the master plan is completed, whichever comes first. The applicability of this moratorium will apply to all the seven southern villages: Santa Rita, Agat, Umatac, Merizo, Inarajan, Talofofu and Yona. The moratorium will be placed on the issuance of building permits. However, based on the previous public hearings that we've had, it was suggested that instead of a moratorium on building permits, there should be a moratorium on any zone changes. Also, a moratorium is to be placed on licenses for use of land or buildings, variances, and creation of planned developments. In the event that a development needs to be considered and cannot wait for the two years to pass then the application can be submitted to the land use commission for review but will require concurrence from the Legislature. There will be two exemptions to the moratorium: one will be for applications already approved and the construction of single family homes or minor additions to them.

**Chairperson Ada** then calls those who have signed up to provide testimony.

**Michael Borja**, Director, *Department of Land Management* (written testimony): He reads his testimony on Bill 365-33 in verbatim with one suggestion to modify the attendance of the ARC member at the municipal public hearing. (see attached testimony). He then reads his testimony on Bill 366-33 in verbatim with a suggestion to implement a sunset provision on a Notice of Action for a land use application (see attached testimony).

**Adrian Gogue**, *Save Southern Guam, Inc.* (written testimony): We are in favor of Bills 365 and 366 with some recommendations. In Bill 365, we would like the Municipal Planning Council to be a part of the approval process and not just be a participant in the hearings. We're asking if you could incorporate language very similar to Bill 318-33 that was proposed by Senator Frank Aguon, Jr. and Senator Tommy Morrison. For Bill 366, we're in favor of removing the variance from the moratorium. We believe that will create a loophole and will put the Guam Land Use Commission and the Legislature in the approval process and that loophole is contrary to the Southern Master Plan. I look forward to participating in this process as we move forward with Bills 365, 366, 318 as well as 335.

**Chairperson Ada:** Thank you very much Mr. Gogue. On your recommendation to incorporate Bill 318 into the bill here, we'll look at that. However, I think that in the hopes of trying to put more input by the municipality itself, Bill 335 was introduced. But we'll take a look at that.

**Chairperson Ada** adjourns the public hearing for Bill 365-33 and Bill 366-33

**Written Testimonies Received:**

Michael Borja, *Director of Land Management*

Adrian Gogue, *Save Southern Guam*

June U. Blas, *Mayor of Barrigada*

Melinda Camacho, *GPA*

Miguel Bordallo, *GM for GWA*

Jo Nita Quenga Kerr, *Save Southern Guam*

Lasia Casil, *Save Southern Guam*

Randel L. Sablan

Rodney C. Webb, *Save Southern Guam*

Wayne Ulloa, *Talofofu Resident*

Zita Pangelinan, *Yona Resident*

John Thomas Brown

**III. Findings and Recommendations**

The Committee finds favorable testimonies of Bill 365-33 because it proposes more transparency for the affected Mayors and Municipal Planning Councils when land developments occur in their municipalities.

Bill 365 has been amended to provide the land use application and other pertinent documents to the Mayor's Office. It also requires that a preliminary report be completed before conducting the public hearing in the affected municipality. Lastly, members from the Application Review Committee are still encouraged to attend the municipal public hearing to provide their expertise and input towards the land application.

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement, hereby reports out **Bill 365-33 (COR) as amended**, with the recommendation to report out only

**Agat/Santa Rita Village Public Hearing held on September 14, 2016 at 6:30pm.**

**Senators Present**

Senator Thomas C. Ada	<i>Chairman</i>
Vice-Speaker Benjamin Cruz	<i>Committee Member</i>
Senator Frank Blas	<i>Committee Member</i>
Senator Mary Torres	<i>Committee Member</i>
Senator Nerissa Underwood	<i>Committee Member</i>
Senator James Espaldon	<i>Committee Member</i>
Senator Tommy Morrison	<i>Legislative Member</i>
Speaker Judith Won Pat	<i>Legislative Member</i>

**Chairperson Ada** calls the public hearing to order.

**Chairperson Ada:** For Bill 365, the law requires that when a land use application gets submitted to Land Management for review and disposition by the Guam Land Use Commission, the application is given to a body called the Application Review Committee. That committee is comprised of representatives from Guam Waterworks, Guam Power, Guam EPA, etc. and they basically provide their technical expertise, review and findings as to how this land use application might affect the particular area in the vicinity. The law also requires that a public hearing be held in that municipality. What happens in reality is that the residents of the village hearing are not informed by the findings of the Application Review Committee experts. Bill 365 simply says before that village meeting occurs, the findings of the Application Review Committee must first be provided to the Municipal Planning Council so that they can make an informed decision as to whether they want to support the project or not.

The other bill is Bill 366 which proposes to impose a two-year moratorium on any development in the South with the exception of construction for residential activities. If there was going to be a commercial development, Bill 366 imposes a two-year moratorium or until a Southern Development Master Plan is completed, whichever comes first. The Southern Development Master Plan was a bill authored by Senator Tommy Morrison.

Chairperson Ada calls those who have signed up to provide testimony.

**Kevin Susuico,** Vice-Mayor of Agat (oral testimony): I'm here tonight as the Vice-Mayor of this beautiful village of Agat and also as a resident to testify in favor of Bill 365-33 and Bill 366-33. Now is the time that we step back and create a voice for the southern villages as we now have an entity called the Southern Development Task Force. This task force has been organized and created to oversee, compose, review, research, recommend and partake in the economic



development of the most pristine and untouched land areas of Southern Guam. We must allow this task force time and support to create a reasonable master plan for the southern development. We can all agree that we want growth and expansion for our villages. However, we must coincide with the needs of our residents and visitors. The growth and expansion must not be below standards or hit or miss types of developments. It has to be a development that is fully vetted and reviewed by constituents of the impacted villages and all concerned entities and agencies. The expectation of the development must be clear, concise, and beneficial for generations to come. Therefore, placing a moratorium on big developments until a master plan has been developed and accepted is the right thing to do. Bill 366-33 puts the brakes on future developments before it crashes head on with our true desires for our villages. Bill 365-33 is another important step in the process of being transparent allowing our villagers to be true stakeholders in the development of our villages. After all, who knows their villages better than those that live in them? We need to make the Mayors, Vice-Mayors and Municipal Planning Council members be an important part of the Application Review Committee of the Guam Land Use Commission. It's time that we all listen and respect the voices of the villages that may be affected as well as the voices of our Mayors, Vice-Mayors and Municipal Planning Council members of every village. We've almost seen a fifteen story building erected here and without too many concerns or any type of public input. The Mayor and myself, we are in total support of these bills and we applaud Senator Tom Ada and Senator Tommy Morrison for introducing and co-sponsoring these proposals which finally recognizes that developments in Southern Guam need to be done in a way that is most beneficial for its residents. Also, for recognizing that the Mayors, Vice-Mayors and its MPC members should have a say of what happens in their respective villages. Once again, on behalf of Mayor Carol Tayama and myself, our entire village of Agat and our MPC, we thank you for holding this meeting down here and allowing us to hear and listen to what the bill has more to entail.

**Lasia Casil, *Save Southern Guam, Inc.*** (written testimony): She reads her testimony in verbatim, and is in support of the bills (see attached testimony). In her testimony, she made several recommendations to include project approval by the relevant Municipal Planning Council, adding the municipality of Chalan-Pago as a part of Southern Guam, deletion of Section 3 and Section 4(a) and to add a new Section 6 to Bill 366-33.

**Chairperson Ada:** Are you recommending that Section 4 of the exemptions to the moratorium be deleted in its entirety? So that means then for the next two years, no resident will be able to build a home.

**Ms. Casil:** I recommended to delete Section 4 and add the following language.

**Bill Cundiff, *Save Southern Guam, Inc.*** (written testimony): I support both Bills 365 and 366 so my testimony will go to the other one at the same time. For the longest time, we have been defending ourselves, culture, heritage, oceans and everything after the fact. This should never happen. We should work together as the process goes forward. It is less confrontational and I believe that the developer will see where we're coming from and what is it that concerns us. He then goes on to read his testimony in verbatim (see attached testimony).

**Antonio Babauta** (oral testimony): Before we do any type of development in the South, I think we should be able to try or look into the infrastructure to make sure that we sustain the

population of Agat and whatever will be built in the Southern Master Plan. Agat has been known to be a sleepy town and I think it's time for us to wake up and be able to have some sort of development here. I think we need some Southern improvements to benefit the people here in Agat who are looking for jobs.

**Chairperson Ada:** I'd like to have my staff, Mr. Joe Borja, to give a brief overview using an aerial map with respect to Santa Rita and Agat as to where development might be taking place.

**Joseph Borja, Chief of Staff, Office of Senator Tom Ada:** What you have here is an aerial photo of the Santa Rita area and Agat area. This is the Agat Catholic Cemetery right by the ocean and then you have the Bordallo subdivision then Southern High and Naval Magazine area. This is the road that runs right through the village of Santa Rita. You have a lot of vacant area up here in the hills. There is one single large landowner in the South that owns about one third or one fourth of the land. The areas that are mostly open for development would be these vacant areas up in the hills. Agat and Santa Rita are different in their types of communities. Where Santa Rita is a residential community, Agat has a commercial strip and the road around the island passes through Agat so there is potential for development along that route.

This is the Pagachao subdivision. There are three potential areas for development. This is Agat Marina. This is the site of the proposed Sirena Hotel. It's not zoned as commercial but a lot of the uses are migrating down south. This is the Pagachao subdivision, local housing by GHURA and these lots here is one of the three major developments in Agat that hasn't taken place yet. This is the former Umang Land for the Landless. There are problems in the area with some gaps because there are streams going in the area. This subdivision doesn't have infrastructure so if it does get infrastructure, then you have the potential for 60 homes and families in that area.

Also, further down south is the water tank as you're going up the solid waste transfer station. This is an area open for development and also the site for the proposed southern sports complex. This area up here is West Santa Ana. It's a loop where the Legislature passed a bill appropriating \$30,000 for that area. Power line goes in half way here, goes in the other loop half way there so the middle part of the loop doesn't have power. With the installation of power in that area, you could open up the area for 30-50 more homes. Chamorro Land Trust does have a master plan for that area. GPA is following that master plan and will be installing certain amounts of infrastructure in that area. Agat has a cable landing over by International Road of Tata Communications and Taicom Communications. So Agat is the host community for internet services coming here and the pacific wide hub for cable. These are some of the projects that GWA has planned for Southern Guam. The ones in the green boxes are sewer line improvements in the area, the Agat-Santa Rita wastewater treatment plant and the sanitary evaluation survey for the area.

This is the municipality of Agat. The properties in green are owned by the Land Trust. Developable with infrastructure but not as much as you would see here because these are up in the hills but you have problems with the erosion, access roads and no infrastructure.

**Gerard Terlaje (oral testimony):** I'm also with the Agat Municipal Planning Council. I'm in support of both bills 365 and 366 with a couple of recommendations. With the moratorium of a two-year effect, I would propose thereafter the moratorium be applicable to a general election by

the precincts respectively. Since there is no master plan, we need this moratorium. But the plan might take more than two years so the effect of the continuance of the moratorium by general election. I don't know how to put that in place but it's something for consideration.

For Bill 365, the municipal planning hearing can't be conducted until the respective MPCs and Mayors office receives the completed report. Why don't the respective municipality that's affected be a participant and not necessarily hinder any process but if we had some forefront of information then we may have better opportunities to respond accordingly. Those are the two recommendations that I have for the bills.

**Dianne Strong, Save Southern Guam, Inc.** (oral testimony): I am a resident of Yona and a forty four-year resident of Guam and thank you for this opportunity. I want to address the case study for the Pago Bay Towers to explain about a process that didn't work really well. It began with the ARC meeting. The Mayors Council has no representative on the ARC. So we're talking about employees of those agencies working for their directors.

In October 2015, the Pago Bay proposal went to the ARC. Then the position statements are issued and eight pages of conditions are generated. The position statements are not timely. The emails go out and we need those position statements. The deadline is very difficult to meet. Then it goes to a public notice for the village that is most affected. Unfortunately, it's in the municipality of Yona, but it affects Chalan-Pago more than Yona. There was no second public notice two days before the January 7<sup>th</sup> public hearing in Yona. The public hearing was not as beautifully organized as this public hearing. There were more than a hundred people there. We're not sure who controlled the meeting; it was not orderly like this.

Finally, the GLUC entertained the application for three public hearings. The decision was made in May. Shouldn't a project as big as two towers require the same Environmental Impact Statement as the military? We think so. We think there's a problem with the Executive Order from 1999 because the developer fills it out and that's a legal document under perjury and force of law that the statements are correct. In August, a permit was issued by GEPA as required by the GLUC. However, the drilling permit which was issued by the Water Resource Management at EPA had three pages of conditions. *Save Southern Guam* from the very beginning has said that they need the government agencies to enforce these conditions. So on the first day of the drilling, somebody went to EPA saying that there was no hydrologist on site from Water Energy Research Institute and filed a complaint for a notice of violation. EPA then changed the permit language and reissued an amended permit. End of enforcement.

These bills, once polished, will offer residents a stronger voice at the village level and southern level. These bills will improve the transparency of our agencies because if it's here in our village, we can see that they're in the wetlands or right next to the wetlands. Where is the Army Corps permit? You're right next to a navigable river so this is a very short case study on a project which we think went horribly wrong. And the only redress is to go to court. *Save Southern Guam* really thank you for caring about these problems and we really need a Master Plan. Who are we developing Guam for? *Save Southern Guam* is not anti-development; we are here for responsible development.

**Roy Gamboa** (oral testimony): I am in support of Bills 365 and 366 with one suggestion. In regards to extending the moratorium beyond twenty-four months; I think if we add those extensions, we're just kicking the bucket down the road and allow the task force to drag their feet. The people that have been appointed to this task force are highly educated and I feel that twenty-four months is more than enough time for them to develop a southern master plan. I suggest the task force be opened up to the municipal planning councils of each village. That they take part and have open forums so the input is not coming from individuals appointed and also include the municipal planning councils. On emergency government projects, should that arise in the next 24 months, is there anything in there that allows for drastic erosion such as down here in Nimitz Beach? We lose about a foot of shoreline every year. I'd like to see grants or any other means to help similar to what was down at Inarajan, Gef Pago with the border to protect the shoreline. If those types of projects are brought up, can that also be allowed to proceed during the moratorium? That's it, thank you very much.

**Senator Thomas Morrison:** First off, to answer the question in regarding the expansion of the task force within the statute, the Governor has the authority to expand that task force at every village meeting in the south. That provision is within the statute and we'll definitely look at that. I don't want to take the credit in the Southern Development Master Plan; there were a lot of forward thinkers within the southern community, specifically in Agat. Senator Rivera in 1988 and Governor Ada who understood that the southern communities needed to be addressed as proposed large scale projects were being discussed. Those issues are being addressed now as you look back into the statements being made at that time. For some reason, the momentum died in moving the plan, but working closely with the Chairman and Committee, we wanted to revive the Southern Development Master Plan Task Force.

The change that we made that I believe was very significant to include our village Mayors and Vice-Mayors and to ensure that as we go through the villages and address these measures, we'll be doing the same thing in the southern master plan. To educate and bring awareness to how we want to grow our southern communities. If you look at Public Law 19-38, there's a list of guidelines as to how that plan is to be developed and I want to ensure that everyone be educated on that as we move along with that process. As this legislation passes, we have the timeline to incentivize the process and move forward with the plan and to ensure that those guidelines are followed. If you look at what's defined in the guidelines, it talks about agricultural, tourism, capacity upgrades, infrastructure, etc. The list is there to ensure that we guide this plan and with the input of our southern communities. Please look out for a schedule of events to take place with respect to the Southern Development Master Plan and get educated on Public Law 19-38 and ensure that when you come to the table, your input is in this plan. I want to thank the Chairman; we've been working very closely to ensure that the moratoria are a measure that would help move the process along quicker. This measure is very critical and works hand in hand.

With the ARC, I've been instrumental in the process as a former Director of the Bureau of Statistics and Plans so I've worked closely with the Chairman to see where the disconnects could be. With our village communities and how certain issues that were brought up in testimony and how soon they get into the hands of our Mayors so they can develop their resolutions in support of the measure. Sometimes they don't have all position statements before them before they proceed to develop their resolutions with their MPCs.

**Senator James Espaldon:** I didn't catch Ms. Casil's recommendation with the deletion and addition of something else. Just that portion, Mr. Chairman.

**Ms. Casil:** I did read over my notes and I misread. The third recommendation is to delete Section 4(a). So keep 4(b) which is the exemption for the homes.

**Mr. Cundiff:** Since this is a very important process, can we have a webpage to put all of the resources to review them as time goes by. It's a lengthy process and we need to educate ourselves and it's difficult to go down to the Legislature to look at all of this.

**Chairperson Ada:** Okay, good recommendation. Thank you. We'll be adjourning this Public Hearing tonight and tomorrow we go to Merizo.

Chairperson Ada adjourns the Public Hearing in Agat for Bill No. 365-33 and Bill No. 366-33.

### **Merizo Village Public Hearing held on September 15, 2016 at 6:30pm**

#### **Senators Present:**

Sen. Thomas C. Ada	<i>Chairman</i>
Sen. Tommy Morrison	<i>Legislative Member</i>
Sen. Nerissa Underwood	<i>Committee Member</i>

**Chairperson Ada** calls this meeting to order at 6:30pm

**Chairman Ada:** He convened this public hearing at 6:37 p.m. and extended his appreciation to Mayor Ernest Chargualaf and his staff for their assistance in preparing for the meeting. He then recognized Senator Tommy Morrison, co-sponsor of Bill Nos. 365 and 366, for his attendance and participation. Chairman Ada acknowledged the presence of Senator Mary Torres who had to excuse herself before the hearing began, as she was feeling under the weather.

**Chairman Ada:** He informed those in attendance that this public hearing is the 2<sup>nd</sup> of 7 public meetings on both measures that are scheduled for each southern village. He encouraged those who intend to submit written testimony to provide his office with their input no later than September 26, 2016.

**Chairman Ada:** He proceeded by providing an overview on Bill 365 and explained that the measure was introduced to ensure that Municipal Planning Councils (MPC) are provided copies of all comments and recommendations of the Guam Land Use Commission's (GLUC) Application Review Committee (ARC). He cited the Pago Bay Resort project as an example of where developers, instead of government regulatory agencies, provided information to the public. Chairman Ada emphasized the importance of having government agencies provide all pertinent information to mayors and MPC members prior to village public hearings on proposed development is scheduled.

**Chairman Ada:** He continued with a brief introduction of Bill 366 commenting that the measure reflects efforts made recently with a bill from Senator Tommy Morrison relative to the

establishment of the Southern Development Master Plan. He informed those in attendance that Bill 366 proposes to impose a moratorium on development in those villages covered by the Southern Development Master Plan law which would be in effect for 2 years or until the master plan is completed, whichever comes first. Chairman Ada also provided an overview of the exemptions proposed in Bill 366 including the construction of single-family homes.

Before inviting Mayor Ernest Chargualaf to present testimony, Chairman Ada recognized the presence of Senator Underwood.

**Mayor Chargualaf:** He thanked senators for introducing both measures and for conducting public hearings at the village level. He offered his support for these and similar efforts aimed at protecting the way of life in southern Guam against unwanted development. Mayor Chargualaf extended his appreciation to the legislature for take real steps forward that empower communities and that encourage greater participation by residents, mayors, and MPC's relative to land use proposals.

**Chairman Ada:** He thanked Mayor Chargualaf for offering his perspective and support for both measures. He then recognized his Chief of Staff, Mr. Joe Borja, to provide a summary of land development in the village of Merizo. Mr. Borja proceeded by highlighting various issues and areas of interest including municipal boundaries, Chamorro Land Trust properties, Umatac/Merizo Sewage Treatment Plant, Piga Subdivision, Cocos Island, and the potential for additional housing development.

**Daniel Quinata:** He followed by thanking the senators for their efforts in controlling development throughout Guam's southern communities. He shared that 18-story development projects do not make southern villages beautiful. Mr. Quinata requested that residents be encouraged to engage in future planning activities so that all stakeholders can discuss their vision of community growth. Mr. Quinata concluded his comments by sharing his concern on how the proposed moratorium would affect his ability to develop his commercial-zoned property.

**Chairman Ada:** He informed Mr. Quinata that the bill includes a provision, which would allow property owners to seek relief from the GLUC.

**Senator Morrison:** He commented briefly on the requirements set forth in P.L. 19-38 which includes a number of key areas including utilities, roads, environment, etc. that the southern master plan must address. He informed those in attendance that the master plan would have to be completed within one year following the initial meeting of the SDMP Task Force.

**Daniel Quinata:** He spoke briefly on the cost of connecting to the island's utilities network and the challenges many families face in wanting to develop their properties.

**Chairman Ada:** He informed Mr. Quinata of a law recently passed that allows landowners who pay for all utilities in previously undeveloped areas to recover their investments from neighbors who decide to build on their land within 15 years from the time utilities were initially installed.

**Mr. Guy Paradis:** He said he is a 17-year resident of southern Guam, followed by sharing his concerns regarding how the proposed moratorium would affect his plans to build a home on one

of his other properties. He hopes to move forward with construction plans, which will require utility connections - and would like to know if permitting processes would be affected by the proposed moratorium. Mr. Paradis ended by urging senators to remove any future plans to construct a 4-lane highway across Guam's southern villages.

**Mrs. Catherine Reyes:** He thanked senators for conducting this public hearing on both measures and asked that similar meetings be held as the Southern Development Master Plan initiative moves forward.

**Mr. John Healy:** He stated he is a resident of Merizo for past 10 years, briefly shared his concerns about how the proposed moratorium would affect his plans to extend his home with additional rooms and other improvements. Mr. Healy intends to develop his other properties in southern Guam is concerned about how the proposed moratorium would impact his plans.

**Mr. Adrian Gogue** from the Save Southern Guam organization thanked senators for conducting this public hearing at the village level. He and other members of his organization favor responsible development and are against projects that are not compatible with the permitted uses, zoning laws, etc. Mr. Gogue recited the *Inifresi* and reminded senators that residents support development proposals that are carried out in accordance to the requirements of Guam law.

**Chairman Ada:** He thanked Mr. Gogue and other members of Save Southern Guam for their active involvement in discussions concerning future development. He also shared that the legislature recently passed a law that prohibits a developer from obtaining an occupancy permit if conditions they are required to comply with aren't met.

**Mr. Gogue:** He informed Senators and those in attendance that developers for the proposed large-scale projects in Agat and Yona don't have ties to Guam. He further argued that projects need to be compatible with the desires of our community. Mr. Gogue also shared his concerns about how local regulatory agencies haven't properly enforced the conditions they issue to developers. In the case of the Pago Bay Resort project, Mr. Gogue expressed his frustration after learning that the Guam Environmental Protection Agency (GEPA) amended a permit it issued which initially required the involvement of Water and Energy Resource Institute (WERI) experts during soil testing. Mr. Gogue commented that it was wrong for GEPA to change the conditions of a permit and allow for drilling to occur without the involvement of environmental experts – a condition the agency imposed but later rescinded.

**Chairman Ada:** He thanked Mr. Gogue for his comments and concerns. He then offered his colleagues to offer some concluding remarks.

Senator Morrison thanked Mayor Chargualaf and residents for offering their input regarding both measures and said that looked forward to their involvement as efforts to establish the southern development master plan move forward. He reiterated the requirements of P.L. 19-38, which provide guidelines as to those areas of concern that should be covered in the plan. Senator Morrison highlighted one of those areas, population enhancement, and the importance of creating responsible development so that our families will have the option of raising their families in our southern villages.

**Senator Underwood** thanked those in attendance for providing testimony on both bills. She shared that their presentations were enlightening and that although only a small group at residents were able to attend the hearing – each resident represent the voices of many others who aren't able to participate but support responsible development across our southern villages. Senator Underwood recognized the ongoing work of Save Southern Guam and extended her appreciation for grassroots involvement.

**Chairman Ada:** He concluded this public hearing by briefly sharing his experience driving down to Merizo for this public hearing and the beautiful, peaceful landscape and appreciation residents have living in our southern villages. Chairman Ada adjourned this public hearing.

### **Inarajan Village Public Hearing held on September 19, 2016 at 6:30pm**

#### **Senators Present:**

Sen. Thomas Ada	Chairman
Sen. Tommy Morrison	Legislative Member
Vice Speaker Benjamin Cruz	Committee Member
Sen. Nerissa Underwood	Committee Member
Speaker Judith Won Pat	Legislative Member

**Chairperson Ada** calls the public hearing to order.

**Doris Lujan, Mayor of Inarajan:** Buenas yan Håfa Adai senators and ladies and gentlemen. I would like to thank you and the community of Inarajan for coming out to our village and hearing the testimonies in reference to Bills 365 and 366.

**Chairperson Ada:** The two bills that we will discuss tonight is Bill 365 which is a bill that would basically set some procedures in place regarding the findings of the Application Review Committee. A developer would turn in their packet to the Department of Land Management and they provide copies to a permanent committee called the Application Review Committee which is made up of representatives from GWA, GPA, DPW and various other agencies. They use their expertise to analyze this application packet and put their findings together and send it to the Guam Land Use Commission. The law also requires the municipalities to conduct public hearings to get input from the residents of that municipality. Unfortunately, when the municipal village hearings are being held, it doesn't have the information that has been done by the Application Review Committee. It's an uninformed village meeting. You'll only hear from the developer who's there. In the case of Yona, there was no representative from the Application Review Committee there. Then the Guam Land Use Commission will either approve the application or not. Bill 365 will require that the Application Review Committee must first finish their analysis of the packet and provide that information to the Municipal Planning Council for when they conduct their hearing, they can have that input from the ARC. Then we can say that that's an informed meeting.

Bill 366 is complementary to a bill that Senator Morrison had introduced earlier this year and that was a bill to require the development of the Southern Development Master Plan. Bill 366 will put a pause on any kind of development for a period of two years or until the master plan is completed, whichever comes first. There will be no building permits issued during those two



years. One exception is if anybody wants to build a home, that can still happen. The other exception is if there's a project that was already approved, we can't stop that. Other than that, everything else gets put on hold and the status quo is maintained. I'm going to ask my Chief of Staff to give a brief overview of the municipality of Inarajan and of what might be impacted in terms of development.

**Joseph Borja:** This shows the southern half of Guam. The northern borders of Inarajan have jagged lines and the reason for that it's usually a river. The green areas that you see are Chamorro Land Trust properties. There are some large tracts of land in Inarajan as well as the other southern villages. As you know, Inarajan is the host community for the landfill and there's a recent law that was passed that takes some money from solid waste and divided between Inarajan and the host community of Ordot. There's a solar farm that's being hosted by Inarajan and provides power to the island. Power gets transmitted up to Talofofò substation and distributes it to the northern part of the island. Inarajan is also the host community of Gef Pago and a lot of historic sites. Most of the people live near the coastline and you have that big subdivision up in Ija. There are two properties that belong to the Government of Guam. This is one lot immediately south of the landfill and it's a weird shaped lot but this is the lot that is reserved for the Inarajan Elementary School that's about thirty-five acres. This is another lot that's reserved by Public Law for affordable housing. This is Lot 382 and the housing to the left of it is the Malojloj. This is the southern half of that subdivision. The two recent laws passed for Inarajan; one is the host community fund set up for Inarajan to receive some money for hosting the landfill. There was property transferred to the Municipal Planning Council and the Mayor's Office for a gym or whatever the village wants to build. The bill was passed and the Governor signed it into law. Inarajan also has the only water well in Southern Guam. Every village in southern Guam has a land for the landless subdivision except for Santa Rita and Yona.

**Chairperson Ada** then calls those who have signed up to provide testimony.

**Mayor Lujan:** On Bill 365, we would like the following be added to Section 1: The Mayor or Vice-Mayor should be included in the initial application process of any proposed development in his or her municipality. If you recall during one of the public hearings, Mayor Carol Tayama stated in her testimony that she was never informed of a proposal to build a fifteen story high end residential hotel in Agat. We want our constituents to be aware of what's going on in our community.

For Bill 366, we feel that the southern master plan is not going to be finalized in two years. Is there something in place to mitigate this situation? I would like to find out if this is going to affect our plans to build a multi-purpose facility?

**Chairperson Ada:** In Bill 366 section 3 of the bill, if you're this close to getting started on the facility, then you can go through the land use commission and apply for the permit to be able to begin construction. In section 4 of the bill, we can make further amendments to include public facilities.

**Speaker Judith Won Pat:** Mayor, in section 1 of the bill, you wanted to include language to make sure that the Mayor and Vice-Mayor are notified. However, section 1 are findings and intent and doesn't have the force of law.

**Mayor Lujan:** We just want to make sure that our community is aware of what's going on in our village before a development occurs.

**Chairperson Ada:** Sure and I think that concern would be addressed in another bill which is Bill 335, the Hybrid Guam Land Use Commission, where a project of a certain size will require the empanelment of a Hybrid Council which will put on four elected Mayors from the surrounding municipalities. The concern that you've raised is noted.

**Rick Meno** (oral testimony): We've known for a fact that the southern master plan will not come in two years. What's going to happen after the two years is up is our concern. Does it go back to the status quo?

**Chairperson Ada:** When we get close to that two-year mark, we can sit down and see whether this bill, if it becomes Public Law, needs to be amended to extend it for another two years. The legal advice that I got from legal counsel is you can't do the moratorium until the master plan is done because that could take a long time. You have to have a reasonable time limit because we'll be denying property owners the right to develop their properties. This will get us out the gate and as we get close, we'll take a look at what adjustments we need to make. It's a valid concern.

**Mr. Meno:** The way this bill is written now, we know that the southern master plan is very comprehensive and two years is not enough time.

**Chairperson Ada:** We can put language in here to the effect that says: On the 21<sup>st</sup> month, either the Legislature will sit down and review the moratorium to determine whether it needs to be extended or not.

**Mr. Meno:** That can be workable for the community. Bill 365 and 366 are pretty much inter-related to the bill that you have and Bill 318 that Senator Aguon is pushing forward. We just want to be ensured that we are part of the playing field. We shouldn't have to wait for the ARC review to be done. We want to be part of it from the very beginning and know the general scope of work so we can be aware of the project and perhaps the Mayor and MPC input can help get some of the information with the ARC so they can be aware of our concerns also. If everybody from the beginning can know the scope of work and magnitude of the project.

**Chairperson Ada:** That's a very valid point that you've raised. I don't know if a copy of the land use application is also submitted to the municipality. If not, we'll take a look at language that requires that.

**Mr. Meno:** We should be involved from the very beginning and not have to wait for the finish their review and we're not going to be brought into the situation or part of the review. That's our concern.

**Senator Thomas Morrison:** Thank you Mr. Chair. I understand where you're coming from regarding the timelines of the Southern Development Master Plan. Public Law 19-38 states that once the task force is convened, a master plan shall be completed within a year. I know we had preliminary meetings with the southern Mayors and regulatory agencies. I've had experience with the Northern and Central Master Plan and it took a reasonable time frame to complete that

plan. If you have time to review Public Law 19-38, it sets out the guidelines and timelines separate from Bill 366.

**Mr. Meno:** Thank you for that. It would be nice if we have an initial brainstorming with the southern Mayors and have them share what they think is good for the communities prior to setting some plans in place.

**Mayor Lujan:** On Bill 365, page 2, lines 5 and 6, what does it mean where the municipality *may not have review access to the agency statements*?

**Chairperson Ada:** That paragraph explains what is happening today. The municipality conducts their MPC meeting and the ARC has 45 days to complete their analysis. Sometimes the municipality conducts their meeting before that so we don't have the information from the ARC. Otherwise, the ARC finishes and they just send it over to the Land Use Commission and don't really share that information with the MPC. Let the ARC do their analysis and then make that available at the Municipal Council meeting. We need to know the pros and cons of a project.

**Joseph Borja:** This is the way that the process is now when you have the hearing. They have the ARC meeting while the public hearing is being held. While that hearing is held, the ARC can transfer their information to the GLUC. An application is submitted and accepted, then it goes to the Application Review Committee. And then, depending on the timing, sometimes the public hearing is held with information from the ARC but it doesn't happen like that. Sometimes the position statements go right to the GLUC without going to the municipal hearing. And the Application Review Committee is not required to come to the village hearing. Bill 365 will set a sequential process.

**David Chargualaf** (oral testimony): I'm in favor of both bills. With respect to Bill 365, it's great that we're able to allow for more information to be provided to the MPC so we can make an educated decision. We have several agencies who are under the review committee. My suggestion would be to include a representative from the Mayor's Council if we need any information or concerns. I agree that we need to be able to be on the table with what's happening but have a representative there to see all the information through. That's my only concern with Bill 365.

With Bill 366, I'm also in favor. It's a check and balance and ultimately the Legislature can approve our project.

**Chairperson Ada:** For the moratorium, you would go through the GLUC.

**Mr. Chargualaf:** There's also a clause in Section 3?

**Chairperson Ada:** For a variance to be accepted in the moratorium, the application would have to go through the Guam Land Use Commission and then approved by the Legislature.

**Mr. Chargualaf:** So let's say funding is going to be lost, or an opportunity is going to be lost, then we can use that as a justification to ensure that a certain project is completed. That ends my testimony.

**Adrian Gogue**, *Save Southern Guam, Inc.* (written testimony): He reads a letter from Rodney Webb. That is a very iconic bay. What developers want to do is trade money for that around our island. Big money and special interest groups have no consideration for developing on Guam except the bottom line. Save Southern Guam is in support of Bills 365 and 366. We attended the public hearing in Yona and attended the hearings of the Guam Land Use Commission. There was overwhelming opposition to this project. We were concerned about the infrastructure and they initially wanted to build fourteen to fifteen story monstrosities in Pago Bay. Then the Guam Land Use Commission reduced it to eleven and twelve stories. That upset the developer but further frustrated us. Barring a judicial review filed by Save Southern Guam, the project has the green light to move forward. Imagine that, the Guam Land Use Commission approved a project against the Zoning Law of Guam. The Guam Land Use Commission didn't follow statute. These laws were passed so that everyone of us has equal say and access to the land. They ignored my FOIA request; that's the kind of response I get from our land use commission. Now that they've approved this monstrosity for the project, there are no improvements to the infrastructure, they're going to desecrate the environment and our ancient Chamorro remains. The Guam Land Use Commission in March of 2008 approved phases one and two with conditions submitted by the Guam EPA, Department of Parks and Recreation, GWA, GPA and I'm trying to find which condition they've met. To this day, our ancestor remains are sitting on some shelf at the University of Guam. There's no enforcement of Guam laws. Guam EPA re-issued a permit that was less restrictive. They will set conditions upon conditions on development but there's no enforcement. They will favor money from a foreign investor instead of us islanders. I expect our government to look out for the welfare of our islanders.

Every developer files for a qualifying certificate issued by the Guam Economic Development Authority. They can get a tax break for twenty-five years. If I'm supposed to pay corporate tax every year and I have this qualifying certificate, I'm only going to pay ten percent. Instead of getting more from their income, the Government of Guam is only getting ten percent. We're in favor of investors who want to make money on Guam because it's so easy to do so. Enough is enough and I'm pleading with you elected leaders to hear us out for the remaining public hearings. We're glad that this is being brought to the people. Thank you very much for your time.

**Senator Thomas Morrison:** The Southern Master Plan was actually proposed in the 1990s and with the help of Bill 366, we can move this along. I do ask that you familiarize yourself with Public Law 19-38. I hope this bill is signed into law, so we can start moving along with the timeline. Thank you Mr. Chair.

**Arthur Taimanglo** (oral testimony): Will you be doing oversight hearings on these agencies who are not following the law?

**Chairperson Ada:** That would be up to the respective committee chair. That's a possibility.

**Mr. Taimanglo:** If you're passing all of these bills then an oversight hearing is very important to make sure these agencies are enforcing the laws that you pass. I can see Mr. Gogue being frustrated and can answer a lot of questions down in Chalan-Pago.

**Chairperson Ada** recesses the public hearing for Bill 365 and Bill 366.

**Talofofu Village Public Hearing held on September 20, 2016 at 6:30pm**

**Senators Present**

Sen. Thomas C. Ada	Chairman
Sen. Thomas Morrison	Legislative Member
Sen. James Espaldon	Committee Member
Speaker Judith Won Pat	Legislative Member
Sen. Nerissa Underwood	Committee Member

**Chairperson Ada** calls the Public Hearing to order.

**Chairperson Ada:** It is Tuesday, September 20, 2016. I want to ask the Mayor to open up this meeting and then we'll proceed with the discussions.

**Vicente Taitague, Mayor of Talofofu:** Thank you for coming down this evening to the Public Hearing.

**Chairperson Ada:** Tonight is the fourth of a planned series of seven public hearings to be held in the southern villages. We've held one in Agat, Merizo, Inarajan and tonight in Talofofu. Tomorrow, it will be in Yona and then we go to Umatac and on Friday we wrap it up with a hearing down at the Guam Legislature. I'm going to ask my Chief of Staff to give a quick overview of Talofofu as to the areas that might be affected by development.

**Joseph Borja:** This is a map of Guam with the municipal lines shown on the map. Talofofu is one of the six largest municipalities. The village itself occupies maybe a quarter of the total municipality as it goes all the way down to Umatac. If you see a lot of these jagged lines as opposed to these straight lines, that usually means the boundaries are rivers. You've got Ipan and the green markings belong to Chamorro Land Trust. This one is right across Ipan Beach and these are areas near the Fire Station and back entrance to Talofofu. This is a Google Earth view of it. These are developments, then Ipan and the golf course. Jeff's Pirate Cove here and then you have Ylig River. And as you can see, a great piece of the municipality is undeveloped. Then you have Fena Lake here, but it's right on the border of Talofofu. You almost have a commercial strip in front of Jeff's Pirate Cove and the golf course going down to the gas station.

**Mayor Taitague (oral testimony):** I support the intent of both bills. In the past, many decisions have been made that have impacted our village that need the approval of the district MPC. The creation of the Southern Development Master Plan will ensure that the mechanism will be in place before any major development is approved. The intent of Bills 366-33 and 365-33 is to control future major developments in the South until the master plan is fully implemented.

**Chairperson Ada:** The major points on Bill 365 is when a land use application is received by the Department of Land Management, we want to ensure that a copy of that land use application is provided to the municipalities of interest. If the development is going to be here in Talofofu

then the Mayor of Talofofo should get a copy of that. In addition to the members of the Application Review Committee getting copies of it.

The next major point is we want the Municipal Planning Councils to be informed by the findings of the ARC. As I understand, it doesn't always work that way. Sometimes the Application Review Committee do their expert analysis and come up with their findings and conclusion but that information doesn't always get to the Municipal Planning Councils. Sometimes the Municipal Planning Council conducts their meetings before the ARC is finished and it'll probably be ideal if the council meeting is held and at the same time informed by the findings of the ARC. That way, the people who are in attendance will be able to listen to the expert findings and express themselves. Finally, the bill requires that representatives from the ARC be present at the MPC meeting to respond to questions regarding their findings and recommendations.

For Bill 366, it calls for a moratorium on development. This bill is complementary to Public Law 33-145 which was introduced by Senator Tommy Morrison and that bill calls for the development of the Southern Development Master Plan. Bill 366 will impose a land use moratorium for a period of two years or until the master plan is completed, whichever comes first. The applicability of this moratorium will apply to all the seven southern villages: Santa Rita, Agat, Umatac, Merizo, Inarajan, Talofofo and Yona. The moratorium will put a halt to the issuance of building permits, licenses for use of land or buildings, variances and creation of planned unit developments. There is a section in the bill which provides for variances from the moratorium so if there's a development that really needs to get under way and the developer cannot wait until the two years is up for the master plan, then the option is to go to the Guam Land Use Commission and ask for a review. The only difference is that it's going to require the concurrence of the Legislature. We don't want to put a stop to everything so there are exemptions to the moratorium. We will not put a halt on the construction of single family homes or minor additions to them and if an application has already been approved then that project is allowed to go through. That's basically the overview of the two bills.

**Rufo Lujan** (oral testimony): I agree with the concept of both bills. It's good that you're holding this hearing because it awakens the interest of the southern villagers. Senator Morrison should be commended for stopping that development in Agat because it was proposed to be constructed on wetlands. That whole seashore across from the Agat boat basin is all wetlands. When the *I Tano Ta* land use plan was abandoned, that created a big problem for proper development on Guam. Since then, we've had maleficence and dereliction of government agencies in complying with the laws. I go around the island and I see all sorts of violations. I see construction being done on wetlands. I see ponding basins being backfilled so that a contractor can increase his profit margin. This is happening in Talofofo. Government agencies should be held accountable for their actions. I can take the government agencies and show them all of these violations around the island. It concerns me that you have ignorance or ignoring of the subdivision laws. I really support this and I hope that the development of the master plan will be rushed because two years is too long. My other concern is the requirement for this master plan is the need to protect the northern water lens. What happens up North also affects us down here. About 80% of the island depends on that northern water lens for its water source. It's incumbent on agencies and policymakers to pass a law to protect that northern water lens. Something has to be done to curtail development up there. You cannot continue to have development occurring up north without affecting the entire island.

**Senator Thomas Morrison:** I agree with Mr. Lujan that two years may be too long. Within Public Law 19-38, it does require at the commencement of the task force that they have a year to submit a master plan before the Legislature. I'm hoping that we can convene as soon as possible.

**Mr. Lujan:** The Application Review Committee was established by an Executive Order. Prior to the Executive Order it was by statute and then in 1996, the Executive Order was promulgated which mandated that. I don't like Executive Orders and I hope that you will pass a law to reinstate the Application Review Committee by statute.

**Senator James Espaldon:** Mr. Lujan, is a two-year time frame realistic in terms of developing a southern master plan?

**Mr. Lujan:** I think it can be realistic if you work with the different municipal planning councils because the input of the councils is going to be very important. You can also have an interim master plan pending the development of the final master plan.

**Mayor Taitague:** Senator, after the inauguration, all the Mayors will get together and the Chairman for the southern development commission will get it going. We will charter our course of action as soon as possible and look forward to that event.

**Chairperson Ada:** I also want to say that the bill as introduced is constantly evolving based on the information that we get from the public hearings. Ultimately, by the time we finish the public hearings and before we report it out, we will be making more changes. And we'll make sure if we have your email, we'll send out copies of the amended versions of the bill.

**Wayne Ulloa** (written testimony): I am in support of both Bills 365 and 366 to a certain degree. He reads his testimony in verbatim with several suggestions (see attached testimony). If we are going to proceed with this moratorium, if any developer violates our local laws, there should be some sort of clause in there to apply the moratorium to them.

Since 2007, I wrote a letter to Mr. Kloppenburg about the jungle river boat cruise. On the side of my dad's ranch, there's a tin wall that faces the river. We've put signs all along the bank. I was gone since 2001 and came back in 2007 and was astonished by how wide the river was. And it's only where the boat travels. We didn't know that the boats are supposed to travel at a certain amount of knots and have a certain engine. The boats create a wave that erodes the land by feet. I've seen that land fall into the river by four feet. Our landmark is in the river; we've lost 12 feet of land since I've been back in 2007. Right now, we're trying to figure out how to come up with \$10,000 to have a survey conducted to figure out how much land we've lost. I'm not against development; I want to be part of it and turn that place into some sort of tourist attraction. I thank you for taking the time to hear me and the residents of Talofofu and keep up the good work senators.

**Sen. Espaldon:** Mr. Ulloa, we have no authority to mandate the federal government to do anything. We can ask and request but to put it in law, we can't do that. It really amounts to nothing.

**Mr. Ulloa:** Correct, but it's never what you say but how you say it. With the right approach, I'm sure the military would be willing to work with us.

**Sen. Espaldon:** You're right. There may be opportunities if we ask properly and we use the right channels, they might be very interested in how we move forward with the development of our land.

**Adrian Gogue, Save Southern Guam, Inc.** (oral testimony): I'm a resident of Chalan-Pago. Save Southern Guam is in support of Bills 365 and 366. Bill 365 puts the municipal planning councils right in the hornet's nest. Bill 366 puts a halt on the development until the master plan is finished. Is it going to create a mad dash for developers to submit their applications before these two bills become law? Remains to be seen. Pago Bay bridge is the gateway to the South and you know that they're going to erect two monstrosities over there that is not compatible with the communities. Mr. Lujan talks about enforcement and I gave my personal experiences. The public hearings here in the villages is where it needs to happen because any other setting is going to fall on deaf ears. In the law, in an R2 area, you can build three stories not to exceed thirty feet. It further states that if you want to have an exemption to the height and build a hotel, you're allowed seven stories not to exceed seventy-five feet. Eleven and twelve stories are way outside of the law and it's that kind of actions by our government is really telling of what could happen to the remainder of Guam in the South.

Going back to 2008, they unearthed eleven of our ancestral remains. That was a condition in the notice of action that they must have a proper reburial. They said the remains are probably on some shelf at the University of Guam, maybe even Parks and Rec. Where is the enforcement of these conditions? Our only recourse for the residents of Guam is through judicial review which should've been protected according to Chapter 61. If our government can't take care of us then who are we going to turn to? In closing, thank you and you'll see me tomorrow in Yona, Umatac and Friday at the public hearing. Save Southern Guam is for responsible development and advocate the adherence of Guam laws and not circumventing the law and bringing a bunch of conditions that aren't enforced.

**Jo Nita Kerr, Save Southern Guam, Inc.** (written testimony): She reads her testimony in support of Bills 365 and 366 (see attached testimony). Other exemptions to Bill 366 might be a reason for a developer to hurry up and start moving on a project. The only things I can think of are emergencies to the safety of southern residents or protection of their lands. I know a resident who wants to donate land to the people of Guam and he wants to build development in the marina. I hope the moratorium wouldn't affect something like that. He doesn't plan to build huge buildings but he wants to plant trees. Exemptions of those types can be put into the bill.

**Sen. Espaldon:** Ms. Kerr, I appreciate your testimony. For Bill 366, Section 4(a), I'll have to look at the legal issue for this because of the ex post facto issue of passing a law that affects something that has already been approved. There would have to be a fine line look at whether we can do that or not. In terms of the enforcement of the conditions, we need to figure out how to enforce the enforcement because our role as policymakers is to set the policy and it's on the executive branch to administer it. Sometimes the Legislature get attacked for things that are not within our jurisdiction to do and I need to make that clear.



**Mr. Lujan:** There's a law in 5 GCA Section 7107 or 7108 that was amended. Before it was amended, any citizen can take any agency to court. That was amended so only a lawyer now can represent the citizen. I wish you could revisit that.

**Sen. Espaldon:** I appreciate that Mr. Lujan. I believe you still have standing to sue. You just won't have the availability to use the Attorney General because the AG's role is to defend the government of Guam.

**Mr. Lujan:** You should review the statute because I wanted to sue a government agency but when I went back to review the statute, it was amended. Now, it requires a lawyer, but I want to be able to do it myself. Why do we need a lawyer to take action?

**Sen. Espaldon:** I'm going to look at that Mr. Lujan. I believe that anybody can go and represent yourself. I think it's inadvisable to go down that road because of the various nuances of the law and the requirements that it takes to make the right argument in the best interest of your case.

**Sen. Morrison:** As we go through our southern communities, some of the guidelines to develop our master plan calls for sub-committees on infrastructure, tourism, preservation, etc. There's a list that goes on so I ask folks to be familiarized with the southern master plan task force and the guidelines in Public Law 19-38. I'm sure after this measure is signed into law, we'll have to move to convene the task force and it'll be good to see people share their passion as we go through each village as to how they would like to see their communities grow. One item talks about population enhancement as you see in Merizo, Inarajan and Umatac there is a huge loss of population migrating to Central and North. If we look at what we value most in the South and how those areas can turn into economic benefits to address population enhancement and keeping our families in our homes in the South. I've learned a lot about your communities and what's important to you.

**Chairperson Ada** recesses the Talofof Public Hearing for Bill 365 and Bill 366.

### **Yona Village Public Hearing held on September 21, 2016 at 6:30pm**

#### **Senators Present:**

Sen. Thomas C. Ada	Chairman
Vice-Speaker Benjamin Cruz	Committee Member
Sen. Thomas Morrison	Legislative Member
Sen. James Espaldon	Committee Member

**Chairperson Ada** calls the public hearing to order.

**Chairperson Ada:** My Chief of Staff, Joe Borja, will give a brief overview of the municipality of Yona.

**Joseph Borja:** This is a map of Guam with municipalities outlined and we have Yona here which is one of the bigger municipalities. Some of the municipal lines are straight and some are jagged. Jagged lines usually means the boundary is a river. This is the Ordof landfill and you have the village here. Over here, you have the big development in Yona, the Leo Palace Resort.

The other areas in Yona have red clay soil and in the South there's about four thousand acres that belong to Chamorro Land Trust but Yona only has about ninety-four acres of Land Trust property mostly in the Pulantac area.

**Chairperson Ada:** On Bill 365, it deals with making sure when the Municipal Planning Councils conduct their public hearings regarding land use applications, they are informed by the findings and recommendations from the Application Review Committee. What was introduced has been evolving as we have these public hearings. So a copy of the land use application will be given to the MPC of interest as well. The Application Review Committee is comprised of various agencies such as water, power, EPA, etc. A representative from the ARC will also be required to be at that meeting.

Bill 366 will declare a moratorium on development in the southern area. This bill was introduced as a response to Public Law 33-145 introduced by Senator Tommy Morrison. Bill 366 will impose a moratorium for the next two years or when a master plan is completed, whichever comes first. Completion of the master plan includes holding public hearings, coming down to the Legislature, then it has to be approved. This moratorium will be applicable to seven southern villages: Santa Rita, Agat, Umatac, Merzio, Inarajan, Talofoto and Yona. The moratorium will place a hold on the issuance of building permits, licenses, variances, and planned unit developments. Now if a developer feels that their project cannot wait the two years, then he can go to the land use commission and put the application through the normal process. If the commission approves the project, they have to come down to the Legislature for a final approval. There will be exemptions to the moratorium. It will not affect projects already approved prior to the enactment of this bill. The construction of single family homes and minor additions will go on unimpeded.

**Chairperson Ada** then calls those who have signed up to provide testimony.

**Zita Pangelinan** (written testimony): She reads her testimony in support of both Bills 365 and 366 (see attached testimony). We're calling for accountability. From what we've been experiencing is the lack of accountability and the decisions made that fall on deaf ears. We end up as a people who try to rectify the issues. It takes a lot of resources, time and energy to protect and defend the communities we live in.

**Adrian Gogue, Save Southern Guam** (oral testimony): Save Southern Guam is in favor of Bills 365 and 366 which we have repeated at every public hearing. In January 26, 2016, the developer had its public hearing here in Yona. At that hearing, they talked about the impacts to the infrastructure, environment, culture and in general. When they approved phases one and two, they unearthed eleven remains for the sake of development. One of the conditions in the Notice of Action was the proper reburial of our ancestors. If no one is going to enforce these conditions, it's a developer's haven out there. Where's that mutual community benefit that we expect our government to look out for us? We need this moratorium because developers are exceeding the height limit in Chapter 61. They're proposing a hotel in an R2 zone. We need the municipal planning council's involvement with regards to Bill 365. What is the community going to benefit from and who's enforcing these conditions. Thank you senator.

**Chairperson Ada** recessed the public hearing in Yona for Bill 365 and Bill 366.

## **Umatac Village Public Hearing held on October 27, 2016 at 6:00pm**

### **Senators Present:**

Sen. Thomas C. Ada	Chairman
Sen. Thomas Morrison	Legislative Member
Sen. Frank Blas Jr.	Committee Member

**Chairperson Ada:** He calls the public hearing to order. He said this public hearing is the last meeting. He said Mr. Gofigan is representing the Mayor who is sick. He explains Bill 365 and 366.

**Sen. Morrison:** He thanked the Chairman, Senator Blas, the Mayors Office, and Staff for all efforts to put the public hearing together. He said Bill 366 is assisting the southern development master plan to allow for time period of two year to place a moratorium on large-scale projects. He said there has been issue with the residents in our southern communities with respect to some proposed projects, which lead to introducing measures to get the southern master plan done. He said Bill 366's moratorium allows the task force time to address the southern master plan. He said Bill 366 complements to need to have a southern master plan. He thanked all people who have been participating in the southern public hearings. He said he looks forward to the testimonies.

**Chairperson Ada:** He called Mr. Gofigan and Mr. Tajalle to testify.

**Mr. Gofigan:** He said why was the southern master plan not completed after the northern and central master plans were completed.

**Sen. Morrison:** He said thank you Uncle Jessie. He said the northern and central master plans where put into place in 2011. He said the Bureau of Stats and Plans did it. He said he does not know why it was not completed. He said public law 19-38 proposed to do the southern master plan in the early 90s. He said we are here now and we are seeing the results of not having a southern development master plan. He said my colleges and me looked in the statues to see what had been done before. He said we found public law 19-38. He said we are trying to revive that effort knowing there is opportunity to grow the south. He said that development needs to be conducted in a responsible manner.

**Mr. Gofigan:** He said another thing he is concerned with is the infrastructure. He said he is concerned about the people who have keep their land. He said the Mayor is going around and putting gravel for people to access their property so they can try and build their house. He said we do not have a sewer line, and he said the sewer line stops at the end of the village. He said if there is no sewer, people have to put in a septic tank. He said the problem up here is everyone has to be involved. He said Public Works, and Land Management need to be here to address the

situations we have. He said people are hurting down here because of the lack of infrastructure. He said when we do the southern master plan we get everyone down here to try and solve the problem.

**Chairperson Ada:** He said with the development of the master plan, it will involve the residents. He said the residents will be able to provide input. He said for example if there were to be high-rise buildings, it would be on the mountainside and not the beach side. He said that is were the residents and the task force will bring in the utility agencies. He said what the moratorium intends to do is keep everything status quote until the residents can input there ideas in the master plan. He said most of the residents throughout each village were supportive of the Bills. He said there are also individuals in the real estate business who have expressed their concerns that the moratorium will have significant impacts on property values.

**Sen. Morrison:** He said Bill 366 is an effort to allow time to get the master plan done. He said there are land owners who are working with developers for residential housing subdivisions and other development project, but there needs to be a balance. He said the Mayor's are heading the taskforce, and other agencies need time to address everyone's concerns. He said the master plan will clarify the infrastructure capacity.

**Mr. Tajalle:** He said he is 62 years old and the master plan has come and gone. He said he does not have that much time left in the village. He said he is speaking on behalf of the children growing up in the village. He said what impact will the master plan will have on the children. He said on Friday night there are many kids playing basketball. He said the majority of the people in Umatac are not rich. He said they barely make it on a month to month bases. He said he hopes development in Umatac will be restricted to preserve the culture and integrity. He said once we start to develop, Umatac is a very good opportunity. He said people are buying homes in Umatac because the village people cannot afford to pay a mortgage. He said we need to look at the future of our kids. He said we need to develop so the kids will understand. He said we should let the kid decide what they want in their village. He said he retired from the military and came home to the same thing, which was good for him.

**Chairperson Ada:** He calls Save Southern Guam to testify. He said the individuals from Save Southern Guam have been at every public hearing for these Bills in the south.

**Adrian Gogue(Save Southern Guam):** He said Save Southern Guam is a grassroots organization that advocates responsible development, in accordance with the Guam Code Annotated. He said the Administration, and GVB wanted to increase the amounts of hotel rooms on island. He said Tumon is at capacity and the only places to move are the scenic areas of the South. He said Mr. Tajalle indicated that if they take this scenic view away from us, what do we have to look forward to. He said our culture is the history of this island. He said if we don't pass these two Bill to provide technical folks to provide an assessment to the Municipal Planning Councils before a public hearing is done then they are developing blindly. He said because the village of Umatac can not understand the adverse impacts a development can bring without the proper assessment by the professionals. He said Save Southern Guam is in support of Bill 365

and 366 because it gives a pause to plan for the next 50, 60, 70 years. He said for example the Pago Bay development called the Pago Bay Resort Laguna. He said there were stipulations applied to the development, but the permits have been approved and there is no knowing if the stipulations have been meet. He said we are not doing good at enforcing development stipulations. He said a village like Umatac cannot sustain a development if the infrastructure is not adequate for the development. He said if a developer comes out to Umatac and a development is approved, it will drain the infrastructure and take away from the livelihood of the Umatac residents.

**Dianne Strong (Save Southern Guam):** She said at the first public hearing in Agat she gave a case study about how the Pago Bay Resort came to be. She said there is Archeologist in the public tonight who knows about ancestral remains. She said the ancestral remains from the Pago Bay Project have not been repatriated as promised by the developer. She said beach access has also have not been meet. She said a drilling rig was onsite drilling for core samples close to wetlands. She said we have given a questionnaire to Senators regarding the moratorium and fishing with scuba. She said it is very clear of who is for development and the right to a view. She said Guam has loose language about view corridors. She said thank you for these Bills, we are waiting to see these Bills on the Legislative floor and voted on. She said people come to Guam to see the scenic South and unpolluted beached. She said we are for responsible development.

**Chairperson Ada:** He said Bill 365 is a procedures Bill. He describes the Bill 365.

**Sen. Blas:** He said thank you to the individuals who provided testimony. He said when he was at the Agat hearing he thought that the moratorium seemed too stringent. He said the value of public hearing is that when a perspective is brought to the table it changes. He said now he is a proponent of both Bills. He said the value to the moratorium is that we take a pause. He said we can enhance development of the South and take into account the minute details such as having view corridors. He said the Sothern Villages have value the land more so than money. He said he struggle to come down here tonight but it was worth the trip. He said he is in support of the two Bills.

**Sen. Morrison:** He thanked all who participated and setup the series of public hearings. He helps we all stay engaged in developing the task force and the Southern Master Plan.

**Chairperson Ada:** He adjourns the public hearing.

**I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN**  
**2016 (SECOND) Regular Session**

Bill No. 345-33 (COR)

Introduced by:

T. C. Ada  
Tommy Morrison

2016 APR 14 11:40 AM

**AN ACT TO ADD A NEW § 61106 TO CHAPTER 61,  
TITLE 21 OF THE GUAM CODE ANNOTATED,  
RELATIVE TO SETTING A SEQUENTIAL PROCESS  
FOR THE APPLICATION REVIEW COMMITTEE  
(ARC) AND THE MUNICIPAL PUBLIC HEARING IN  
THE GUAM LAND USE COMMISSION  
APPLICATION PROCESS.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds

that Executive Order 96-26 created the Application Review Committee (ARC), which is comprised of permanent voting members from various government agencies to include the Guam Environmental Protection Agency, Department of Agriculture, Guam Waterworks Authority, Guam Power Authority, Department of Parks and Recreation, Department of Public Works and Bureau of Statistics and Planning. The ARC is a critical component of the Guam Land Use Commission (GLUC) Application Process because it provides the professional review, analysis and advice of development activities in Guam. The *Municipal Public Hearing* is also a critical information gathering process that provides input to the GLUC as it pertains to the views and sentiments of the residents in the affected municipality(s).

1            *I Liheslaturan Guåhan* further finds that the public hearings conducted in the  
2 affected Municipal Planning Councils (MPC) are often conducted without the  
3 benefit of the findings and recommendations of the ARC. Consequently, however,  
4 in the GLUC Application Process, the ARC Meeting *may not occur before* the  
5 Municipal Public Hearing *or the Municipal Planning Council may not have review*  
6 *access to the Agency Statements from the ARC* thereby depriving the Community  
7 of the opportunity to review the ARC agency statements and of the critical  
8 information needed to understand the overall impact of the development activity in  
9 their municipality prior to the issuance of a Municipal Planning Council  
10 Resolution.

11            *I Liheslaturan Guåhan* intends to ensure that no municipal public hearing  
12 shall be scheduled until such time that all ARC official position statements are  
13 made a part of the project application and such completed project application be  
14 transmitted to the impacted Community in care of the Office of the Mayor for its  
15 Municipal Planning Council review and resolution.

16            **Section 2.** A New § 61106 of Chapter 61, Title 21 GCA is added to read:

17            **“§ 61106. Schedule of Municipal Public Hearings.**

18                    (a) In any land use action that requires the review and  
19 decision by the Guam Land Use Commission, no municipal  
20 public hearing shall be scheduled and conducted in the affected  
21 municipality until the completion and submission of all official  
22 Application Review Committee position statements are  
23 received by the Department of Land Management Planning  
24 Division and transmitted together with the land use application  
25 to the Mayor’s Office.

26                    (b) Permanent voting members of the Application  
27 Review Committee, who have submitted position statements,

1                                    shall be present at the municipal public hearing to provide  
2                                    information relative to their area of expertise.”

3                    **Section 3. Severability.** If any provision of this law or its application to  
4 any person or circumstance is found to be invalid or contrary to law, such  
5 invalidity *shall not* affect other provisions or applications of this law that can be  
6 given effect without the invalid provisions or applications and to this end the  
7 provisions of this Act are severable.



***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**2016 (SECOND) Regular Session**

**Bill No. 365-33 (COR)**

As amended by the Committee on Transportation,  
Infrastructure, Lands, Border Protection,  
Veterans' Affairs and Procurement.

Introduced by:

T. C. Ada  
Tommy Morrison

**AN ACT TO ADD A NEW § 61106 TO CHAPTER 61,  
TITLE 21 OF THE GUAM CODE ANNOTATED,  
RELATIVE TO SETTING A SEQUENTIAL PROCESS  
FOR THE APPLICATION REVIEW COMMITTEE  
(ARC) AND THE MUNICIPAL PUBLIC HEARING IN  
THE GUAM LAND USE COMMISSION  
APPLICATION PROCESS.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds

that Executive Order 96-26 created the Application Review Committee (ARC), which is comprised of permanent voting members from various government agencies to include the Department of Land Management, Guam Environmental Protection Agency, Department of Agriculture, Guam Waterworks Authority, Guam Power Authority, Department of Parks and Recreation, Department of Public Works and Bureau of Statistics and Planning. The ARC is a critical component of the Guam Land Use Commission (GLUC) Application Process because it provides the professional review, analysis and advice of development activities in Guam. The *Municipal Public Hearing* is also a critical information gathering process that provides input to the GLUC as it pertains to the views and sentiments of the residents in the affected municipality(s).

1            *I Liheslaturan Guåhan* further finds that the public hearings conducted in the  
2 affected Municipal Planning Councils (MPC) are often conducted without the  
3 benefit of the findings and recommendations of the ARC. Consequently, however,  
4 in the GLUC Application Process, the ARC Meeting *may not occur before* the  
5 Municipal Public Hearing *or the Municipal Planning Council may not have review*  
6 *access to the Agency Statements from the ARC* thereby depriving the Community  
7 of the opportunity to review the ARC agency statements and of the critical  
8 information needed to understand the overall impact of the development activity in  
9 their municipality prior to the issuance of a Municipal Planning Council  
10 Resolution.

11            *I Liheslaturan Guåhan* intends to ensure that no municipal public hearing  
12 shall be scheduled until such time that all ARC official position statements are  
13 made a part of the project application and such completed project application be  
14 transmitted to the impacted Community in care of the Office of the Mayor for its  
15 Municipal Planning Council review and resolution.

16            **Section 2.** A New § 61106 of Chapter 61, Title 21 GCA is added to read:

17            **“§ 61106. Requirements Before Municipal Public Hearings.**

18                            (a) Upon receipt by the Department of Land  
19 Management of a land use application, a copy shall be  
20 transmitted to the Mayor of the affected municipality.

21                            (b) In any land use action that requires the review and  
22 decision by the Guam Land Use Commission, no municipal  
23 public hearing shall be scheduled and conducted in the affected  
24 municipality until a preliminary report, at minimum, has been  
25 received from the Department of Land Management. To the  
26 maximum extent possible, said preliminary report shall be  
27 provided by the Application Review Committee within thirty

1 (30) days from the filing of the application. Upon receipt of any  
2 preliminary report and position statements submitted by the  
3 Application Review Committee, the Department of Land  
4 Management shall transmit said documents to the Mayor of the  
5 affected municipality.

6 (c) At the request of the Mayor, permanent voting  
7 members of the Application Review Committee, who have  
8 submitted position statements, shall, to the maximum extent  
9 possible, be present at the municipal public hearing to provide  
10 information relative to their findings.”

11 **Section 3. Severability.** If any provision of this law or its application to  
12 any person or circumstance is found to be invalid or contrary to law, such  
13 invalidity *shall not* affect other provisions or applications of this law that can be  
14 given effect without the invalid provisions or applications and to this end the  
15 provisions of this Act are severable.



































Rodney C. Webb  
141 Chalan Tasi, Pago Bay  
Ordot Chalan-Pago, Guam 96910

September 19, 2016

The Honorable Senator Thomas C. Ada  
Chairperson, Committee on Transportation, Infrastructure, Lands, Border Protection,  
Veterans' Affairs and Procurement  
I MINATRENTAI TRES NA LIHESLATURAN GUÁHAN / 33rd GUAM LEGISLATURE  
155 Hesler Place, Hagåtña, Guam 96910

**RE: Testimony on Bill 365-33 - An Act to set a sequential process for Guam Land Use Commission applications; and Bill 366-33 - An act to impose moratoria on selected sections of 21 GCA Chapter 61 until adoption of a southern development master plan.**

Hafa Adai Chairman Ada:

Thank you for the opportunity to comment on the above-referenced bills. I am here to testify as a member of the Save Southern Guam (SSG) organization. We are in full support of the intent of both bills.

I believe that these Bills will strengthen the overall planning framework for Guam, and would not necessarily lead to additional bureaucracy and red tape as others have claimed.

What we are seeking is proper enforcement of Guam laws. No shortcuts. The history of development in Guam is littered with abuse of proper planning processes and lax enforcement. More often than not, this regime has resulted in financial losses for the developer, and poor outcomes for the community. The Pago Bay Towers project is a classic example of this.

I further wish to place on the public record that SSG is not anti-development. We support responsible development.

We can see that Guam is currently experiencing a shortage of hotel room inventory, which is limiting the growth of our tourism industry. But we also believe that planning for the future of the Guam tourism industry has been piecemeal and shortsighted. Tumon has been successful because it was originally designated a hotel zone. Under this designation, all new hotel development projects are favorable considered. But, as everyone knows, we are running out of room to develop new hotels in Tumon. In addition, the prices on the remaining, available pieces of real estate have been bid up to uncompetitive levels. A true

catch-22 situation. We need more hotels, but it is currently too expensive to build in Tumon.

Guam does not need a single new hotel – it needs many new hotels. And hotel developments are likely to be more successful when there is already tourism infrastructure available in the surrounding area.

For these reasons, we call on the Government of Guam, The Guam Visitor's Bureau, and all other interested parties, to get together and DESIGNATE A NEW HOTEL ZONE for Guam.

A NEW HOTEL ZONE that can accommodate the construction of a minimum of 10 new hotels, and also allow for the development of supporting hotel infrastructure – such as restaurants, activities and attractions.

This NEW HOTEL ZONE should be positioned and located in proximity to Tumon, to take advantage of more than 40 years of tourism infrastructure development in that area.

An ideal location for A NEW HOTEL ZONE for Guam would be the cliff-line area between Guam Regional Medical City and Two Lovers Point.

As for stand-alone hotel developments in pristine areas of Guam, we believe that they should only proceed with the full support of the village community. For example, here are two fantastic locations for stand-alone hotels in pristine locations that are likely to have the full support of both the village residents in the area where the hotel is located and the greater Guam community:

- Tanguisson Power Plant. Replace this mothballed and inefficient power station with a first class hotel, and ask the hotel to adopt Tanguisson Beach to improve security for everyone visiting the area.
- Agana Waste Treatment Plant. Relocate this smelly eyesore that is holding back the development of our capital city, build a first class hotel, and make this location the docking station for cruise ships visiting Guam.

Senator, I support Bills No. 365 and 366 because they pause the rush to develop the South, give the community some time to plan and prepare for the future, and give village communities greater control over future development proposals that will directly impact their quality of life.

We applaud these initiatives, and thank you for your support.

Senseramente,

A handwritten signature in black ink, appearing to read "R. Webb". The signature is written in a cursive style with a large initial "R" and a smaller "W".

Rodney C. Webb  
Resident of Pago Bay




**GUAM WATERWORKS AUTHORITY**

Gloria B. Nelson Public Service Building  
688 Route 15, Mangilao, Guam 96913

MEMORANDUM

September 2, 2016

TO: Senator Thomas C. Ada  
Senator Thomas A. Morrison

FROM: Miguel C. Bordallo, P.E., General Manager 

CC: Director, Department of Land Management

SUBJECT: Bill 365-33

Guam Waterworks Authority is a member of the Guam Land Use Commission's Application Review Committee (ARC). Bill 365-33 has been reviewed and comments are offered below.

Section 1, Paragraph 2 indicates that "...the ARC Meeting may not occur before the Municipal Public Hearing or the Municipal Planning Council may not have review access to the Agency Statements from the ARC...". Subsequent bill language indicates that ARC position statements are to be submitted to the Department of Land Management Division (DLM), who will distribute the statements to the Mayor's Office. This process indicates that ARC position statements will be finalized, then Municipal Public Hearing will take place, and then the ARC Meeting will be held.

ARC members utilize ARC meetings to question applicants and obtain information needed to finalize position statements, particularly if a large development is proposed. Guam Land Use Commission (GLUC) applications might not contain details that agencies need in order to provide specific comments. Holding an ARC meeting after position statements are finalized would lead to statements that contain generalized comments, not necessarily specific concerns based on the proposed development and associated design. Holding an ARC meeting prior to writing position statements is crucial.

Consider following the current process to hold an ARC meeting prior to finalization of position statements and have the Municipal Planning Council participate as an ARC member. This would allow the ARC meeting to become a forum where both government agency and local concerns may be discussed at the same time. This will also allow grass roots and community concerns to be considered at the inception of the GLUC application process.

Finalized position statements should be provided to the Municipal Planning Council and all interested parties. Position statements should be made available at least 30 days prior to the Municipal Public Hearing in order to allow third parties to evaluate the position statements and for applicants to address position statement comments.

If you have any questions, please contact me at 300-6848.

**Testimony submitted by Jo Nita Quenga Kerr  
Talofof Village Hearing on Bills 365-33 and 366-33  
September 20, 2016**

Good evening Senators and Residents of Talofof and Guam. My name is Jo Nita Quenga Kerr and I am a member of the Executive Board of Save Southern Guam, Inc. (SSG). I am an Associate Professor at the Guam Community College and a Faculty Advisor for the GCC Ecowarriors. I have taught science courses at GCC for the past 10 years, including Environmental and Marine Biology, and Chemistry. I am also a Co-Chair of the Tano Group of the Guam Nature Alliance, and have been actively involved with the organization since 2010 when it used to be called the Environmental Education Committee.

I do not reside in the South, I grew up in the village of Piti, and now live in Dededo. I am here because of my abiding interest in the welfare of Guam's natural resources, as well as the decision by the Guam Land Use Commission to approve the Pago Bay Hotel towers. By ignoring the testimonies of hundreds of residents, the GLUC flouted democracy. SSG is concerned that if the Pago Bay Hotel project is constructed with the variance it acquired from the GLUC, this sets a dangerous precedent for similar tall structures to spring up along the southern coastline.

In my capacity as an educator, environmental enthusiast and nature lover, I have led students and the public into our limestone forests, mangroves, badlands, coastlines and reefs to raise awareness of the special environments and natural resources of our island. In fact, our Ecowarrior motto, 'Learn, Lead, Protect' refers to education as the first step to protecting our natural resources. In our outreach events, the Guam Nature Alliance (GNA) uses the 'ridge to reef' concept that explains the connection between the land and the ocean. The next GNA R2R (ridge to reef) adventure takes place on October 22<sup>nd</sup>, during Fiestan Tãsi in Malessso. I invite the panel to explore and appreciate the relatively pristine beauty of southern Guam with a walking tour of a river, exploring the mangroves by kayak, and snorkeling in the lagoon. That same day, you can also participate in a tree-planting project in the Manell-Geus watershed.

Guam has been described as the land of the 'orthogonal rivers'. This phrase describes how the rivers flow at an angle produced by fault lines or cracks that developed during the geological formation of Guam. The watersheds that generate these rivers are adversely affected by human activities such as fires, off-roading, and development. During the rainy season, rivers carry soil and sediment loosened by those activities into the ocean where they are deposited on fringing reefs. Southern coral reefs have been devastated by sedimentation, but in the past ten years or so, efforts by groups, including the Forestry and Soil Resource Division of the Department of Agriculture, NOAA, the Humãtac Project, Guam Nature Alliance, and Southern Guam Soil and Water Conservation District, to mediate damage to the land and reefs include tree planting, erosion control and educational outreach. I am concerned that if these efforts are negated by uncontrolled development, what hope do we have of ever healing the reefs and lands in the south?

The southern scenic vistas with their unspoiled rolling hills and ocean views have remained that way due to the wisdom and foresight of those who developed the Territorial Seashore Protection Act of 1974 (21 GCA § 63102). Let's keep that foresight in mind as the process to develop a Southern Development Master Plan proceeds.

Bills 365-33 and 366-33 are a step in the right direction, however, 366 falls short in that it provides loopholes that developers can, and will likely, take advantage of, specifically Sections 3 and 4a of Bill 366. Save Southern Guam recommends removing those loopholes, and replacing them with language that provides residents not just a voice in what happens in their villages, but also

meaningful influence in the form of village municipal planning councils. Some have questioned the availability of expertise for village MPCs, but our population has more informed, trained and educated individuals than 25 years ago. The MPCs can be the vehicle through which villagers' concerns and desires are communicated, and members will decide and act on the general consensus of the community. The language of Bill 318-33, introduced by Senators Frank Aguon Jr. and Tommy Morrison, would ensure that the people, through their village MPCs, have equitable participation in reviewing and approving development.

I agree with Mr. Wayne Ulloa's remark that the moratorium be extended until the Southern Development Master Plan is completed and approved. Defaulting to a situation without moratoria, just because the plan is not finished, repeats the undesirable status quo of legislating by variance. To incentivize progress on the Master Plan, the Task Force should develop a timeline, with the option to extend as needed, to move beyond the moratorium.

As other members of Save Southern Guam have stated, we are not against development, but we are against irresponsible, hasty development that has the potential to harm our natural resources and ruin our scenic vistas for generations to come.

Saina Ma'åse,

Jo Nita Quenga Kerr



23 September 2016

To: Senator Thomas C. Ada, Chairperson, Committee on  
Transportation, Infrastructure, Lands, Border  
Protection, Veterans' Affairs, and Procurement  
From: Adrian Gogue, Vice Chairperson, Save Southern Guam,  
Inc.

SUBJ: BILLS 365-33 AND 366-33 (COR)

1. Buenas Días Chairman Ada and Senator Tommy Morrison. I am Adrian Gogue, resident of Ordot-Chalan Pago, and a member of Save Southern Guam, Inc.

2. Save Southern Guam, Inc. (SSG, Inc.) has provided testimony in previous months to bills 318-33 and 335-33. Thus you're familiar with our positions:

- YES to Saving Our Island
- YES to Responsible Development
- YES to The People and Village Voices
- YES to Government Accountability
- NO to Overdevelopment
- NO to Special Interest Groups that promote their financial gain contrary to the permanent protection of the natural, scenic, and historical resources of the seashore reserve.

3. Our grass roots movement advocates the protection of the seashore and coastal beauty of southern Guam. Our group further advocates responsible development along the seashore and coastal areas in accordance with Guam Code Annotated (GCA), Title 21 (Real Property) that include but not limited to Chapters:

- 61(Zoning Law),
- 63(Guam Territorial Seashore Protection Act of 1974),
- 64(Ocean Shores: Territory Beach Areas), and

- 65(Public Access to the Ocean Shore).

4. SSG, Inc. supports Bills 365-33 and 366-33. SSG, Inc. further appreciates your legislation to saving southern Guam and offers these recommendations to Bills 365-33 and 366-33:

Bill 365-33:

- a) We ask that you incorporate a new section with language proposed in Bill 318-33 by Senator Frank Aguon, Jr. and Senator Morrison. Submitting Application Review Committee official statements to the affected Municipal Planning Council before any public hearings are conducted does not guarantee the Guam Land Use Commission will abide by the MPC's recommendation.
- b) The recommended language is:

"For each variance application, zone change, government lease, conditional use application and other proposed project reviewed by the Guam Land Use Commission involving Land in Guam, the relevant Municipal Planning Council of Guam's respective villages shall register its approval or disapproval with the Commission. No project shall be approved by the Guam Land Use Commission unless it has received the approval of the relevant Municipal Planning Council."

Bill 366-33:

- a) Add the Municipality of Chalan Pago to Section 2(a).
- b) Delete 2-year timeline for moratoria in effect in Section 2(a). Retain when a Southern Development Master Plan has been developed and approved.
- c) Delete Section 3, Variances from The Moratoria, in its entirety because this will be a loophole around the moratoria and the Southern Development Master Plan.
- d) Add Government projects/facilities to Section 4, Exemptions to Moratoria.

5. These bills and recommended changes are important to us because the Guam Land Use Commission's approval of the Pago Bay Marina Resort Hotel, despite overwhelming objections and testimony against this project, plants the seed that can wildly grow out of control. This approval sets the

precedence for outside investors to target our southern pristine and iconic bays for development. Already on the horizon is another hotel outside investors are considering, as reported by local media on 2 December 2015:

"A multinational group of investors has acquired 22,500 square meters of land across from the Agat Marina as part of a plan to build a five-star hotel in southern Guam. The proposed 144-room, 15-story Sirena Grand Hotel will be developed across from the Agat Marina, a spokesman for the group said. The group is led by Pacific Asian Developments Ltd., or PADL, a hotel and resort development corporation registered in the Bahamas."

The time has come to save what remains of our southern seashores and coastal beauty. The stakes are too high for us to just sit idle and remain silent. Instead, we need to stand up against big money and special interest groups. Groups, for example, which are operating 8,556 miles away in the Bahamas or 2,323 miles in Asia. Groups that want to impose their way and decide the future of our island with little to no regard to the people of Guam and the protection of our island's beautiful seashores and iconic scenic bays. Our beautiful seashores will become concrete jungles, as developers will turn their sights toward Ylig, Talofofo, Inarajan, Merizo, Umatac, Cetti, Sella, and Agat.

We also advocate government accountability and enforcement. The Guam Land Use Commission Notice of Actions for the Pago Bay Resort, approved in March 2008 and April 2016, are full of conditions that to this day have not been met. These conditions pertain to the infrastructure, traffic, environment, public access to the beaches and ancestral remains. What confidence do we have these will be enforced?

We need 318, 335, 365, and 366 to prevent overdevelopment; otherwise big money and special interests groups will have their way. Future generations will only remember Guam in digital images, stored somewhere in the virtual cloud, of what was once a beautiful southern Guam.

7. In closing, let us remind ourselves of the Inifresi Pledge:

Ginen i mās takhilo' gi hinasso-ku  
I mās takhalom gi kurason-hu,  
Yan i mas figo' na nina'siña-hu,  
Hu ufresen maisa yu'

Para bai prutehi yan hu difende  
I Hinengge,  
I Kottura,  
I Lenguahi,  
I Aire,  
I Hanom yan I Tano' Chamorro  
Ni' irensiâ-ku direchu ginen as Yu'os Tâta,  
Este hu afitma gi hilo' I Bipblia yan I Banderâ-hu,  
I Banderan Guåhan.

9. Senators, Un Dang'ka'lu Na Si Yu'us Ma'ase para un Satba y Haya Guahan para fan gosa y generasion agupa. Thank you Senators for wanting to Save Southern Guam for generations to enjoy.

Senseramente,  
/S/ Adrian Gogue



Senator Tom Ada

Peter Tran &lt;peter@senatorada.org&gt;

---

**Fwd: Current Bill 335-33(COR)**


---

Tom Ada &lt;tom@senatorada.org&gt;

Mon, Aug 22, 2016 at 2:22 PM

To: Joe Borja &lt;JBorja@senatorada.org&gt;

Cc: Peter Tran &lt;peter@senatorada.org&gt;, Charlene Flores &lt;flores@senatorada.org&gt;, Blaine Dydasco &lt;bdydasco@senatorada.org&gt;, Richard Salas &lt;rsalas@senatorada.org&gt;

FYI

-----

Sen. Tom Ada

Chairman, Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs, and Procurement

33rd Guam Legislature

Tel: (671) 473-3301

----- Forwarded message -----

From: **John Thos. Brown** <jngo@ozemail.com.au>

Date: Mon, Aug 22, 2016 at 2:05 PM

Subject: Current Bill 335-33(COR)

To: Tom Ada <tom@senatorada.org>, Sen Tommy Morrison  
<tommy@senatormorrison.com>Cc: Mayor Louise Rivera <mayorlcrivera.tatuha@gmail.com>, Vice Mayor Ken Santos  
<vicemayorksantos.tatuha@gmail.com>

Dear Senators Ada and Morrison, sponsors of the referenced bill.

I am writing as one member of the Tamuning Mayor's Planning Council, but although I chair the Legal committee of the Council and have offered some advice to the Mayor and her Council in respect of a prior version of this bill, I am not exactly writing on behalf of the Council or the Mayor in respect of this current version, as I have not discussed this new version yet. I was moved to research and write this after reading the informative and positive account of the bill in the Guam Post today.

I observe that this current bill version intends to assure municipalities get an informed opportunity to review "any land use action that requires the review and decision by the Guam Land Use Commission". That may well be meaningful to you and others, but I am not knowledgeable as to what is meant by the breadth of the phrase, and have particular concern that it includes conditional use, variance and zone change applications.

Furthermore, I observe that the GLUC has appeared to disregard out of hand the input of MPCs, in the apparent belief that it knows what is best for the public interest in any particular municipality, more so than the Mayor and her/his MPC. The concern, rather, more often appears to be what is the best interest of the applicant.

To address both of these concerns, please consider the revisions to the Bill as attached, and as noted below:

Review and suggested changes re current Bill 335-33 (COR).

Section 2. A New § 61 106 of Chapter 61 , Title 21 GCA is added to read:

"§ 61106. Schedule of Municipal Public Hearings.

(a) In any land use action that requires the review and decision by the Guam Land Use Commission, including action on applications for conditional use, variance or zone change, no decision shall be taken by the Commission until a municipal public hearing shall be scheduled and conducted in the affected municipality, and no such municipal public hearing shall be scheduled and conducted until the completion and submission of all official Application Review Committee position statements are received by the Department of Land Management Planning Division and transmitted together with the land use application to the Mayor's Office.

(b) The opinion of the Municipal Planning Council shall be given great weight as evidence bearing on whether a proposed land use action will be materially detrimental or injurious to the public welfare including the nearby public or private property rights in the neighborhood affected by the proposed variance or change of zone.

(c) Permanent voting members of the Application Review Committee, who have submitted position statements, shall be present at the municipal public hearing to provide information relative to their area of expertise."

Thank you for your consideration. If you have any comments or questions, please let me know.

Cheers, John Thos. Brown

**2 attachments**



**Review and suggested changes re current Bill 335-33, 22AUG16 (COR).pdf**

26K



**Review and suggested changes re current Bill 335-33 (COR), 22AUG16.docx**

17K

Good evening Senators and fellow Islanders,

My name is Lasia Casil and I am the Founder and Chairwoman of Save Southern Guam. We are a grass-roots movement advocating the protection of the seashore and coastal beauty of southern Guam. I am here to testify in support of Bill 365-33 and Bill 366-33.

First, I would like to thank you for the attention you have given to the issue of responsible development in our southern villages. We appreciate your effort to engage the people in our villages on a matter that affect our lives and our families lives forever.

We believe that setting this 2 year Moratoria on all development until a Southern Master Plan is a step in the right direction to guiding our growth and development. The most precious resource we have in the South is our unique and beautiful landscape - the hills, the mountains, the beaches, the bays and coastline, If we allow unrestricted development it will open the floodgates for giant monstrosities such as the Pago Bay Hotel and the Sirena Hotel in Agat.

Just to clarify, Save Southern Guam is not anti-development, we are for responsible development. However, we feel that it is important to question these projects and exactly who they will benefit and if they will add any true value to our beautiful villages?

We can not allow government agencies like the the Guam Land Use Commission to continue granting random variance after variance without any guidance whatsoever. This is irresponsible behavior and not how communities are built. As you are aware, we are currently in the middle of a lawsuit because the GLUC did not engage with the communities dismissed everything that the people had to say about the Pago Bay Hotel.

We hope that you will truly hear the voices of our people and take what we have to say into consideration.

We have reviewed your proposed Bills 365-33 and 366-33.

The following are recommended changes to Bill No. 365-33:

We ask that you incorporate language proposed in Bill 318-33 by Senator Frank Aguon Jr and Senator Morrison.

Section 1. Line 11 - For each variance application, zone change, government lease, conditional use application and other proposed project reviewed by the Guam Land Use Commission involving Land in Guam, the relevant Municipal Planning Council of Guam's respective villages shall register its approval or disapproval with the Commission. **No project shall be approved by the Guam Land Use Commission**

**unless it has received the approval of the relevant Municipal Planning Council.....**

The following are recommended changes to Bill No. 366-33:

- 1.) ADD the Municipality of Chalan Pago to Section 2(a);
- 2.) Delete Section 3 in its entirety. What is the purpose of filing for approval or disapproval if the Legislature fails to take action within sixty (60) days and the application automatically defaults to approval? This is just a loophole that defeats the purpose of the bill.
- 3.) ADD the following language in a new Section 3 - **Temporary Moratorium on the issuance of permits by the Department of Land Management (DLM), Department of Public Works (DPW), Guam Environmental Protection Agency (GEPA), Guam Water Works Authority (GWA), and Department of Parks & Recreation (DPR).**

There *shall be* a temporary moratorium placed on the issuance of all permits to the municipalities of *Santa Rita, Agat, Umatac, Merizo, Inarajan, Talofofo, Yona* and *Chalan Pago* by the following agencies: Department of Land Management (DLM), Department of Public Works (DPW), Guam Environmental Protection Agency (GEPA), Guam Power Authority (GPA), Guam Water Works Authority (GWA), and Department of Parks & Recreation (DPR) for the next two (2) years *or* until such time a Southern Development Masterplan has been developed and approved, whichever comes first.

- 4.) Delete Section 4(a).
- 5.) ADD the following language to new Section 6 - Any further actions by any Board, Administrative Director, or employees of the Department of Land Management (DLM), Department of Public Works (DPW), Guam Environmental Protection Agency (GEPA), Guam Water Works Authority (GWA), Guam Power Authority (GPA) and Department of Parks & Recreation (DPR) that conflict with the provisions of this Act shall make them collectively and/or individually subject to the civil and criminal penalties prescribed by the laws of the government of Guam.

Si Yu'us Ma'ase Senators or your time and efforts to include our input on these bills and coming down to speak to our villages.

Sincerely,

Lasia Casil



Testimony  
Bill 365-33 (COR) and Bill 366-33  
By  
Randel L. Sablan  
September 22, 2016

Sept 27, 2016 - 11:35 am  
RECEIVED by the  
Office of Senator  
Thomas C. Ada  
JWS

Final Version  
RS

Dear Honorable Senators Thomas C. Ada and Thomas A. Morrison,

Thank you for the opportunity to provide testimony on Bills 365-33 and 366-33.

I am supportive of Bill 365-33 but urge you to add language from Bill 318-33 that proposes to amend §61105 of the Zoning Law (Chapter 61, Title 21, GCA). I believe this language is best merged with Bill 365-33 as new Section 2. The following is how §61105 would read as proposed in Bill 318-33.

*"§ 61105. Vote Requirements for the Commission; Approval of Municipal Planning Councils Required.*

*In any action by the Commission under this Title, including but not limited to approvals of zone, changes in zones, variances, appeals, and all other actions, four (4) affirmative votes of the members of the Commission shall be required. The Chairperson of the Commission shall vote on all matters before it.*

*For each variance application, zone change, government lease, conditional use application, and other proposed project reviewed by the Guam Land Use Commission involving land in Guam, the relevant Municipal Planning Council of Guam's respective villages shall register its approval or disapproval with the Commission. No project application shall be approved by the Guam Land Use Commission unless it has received the approval of the relevant Municipal Planning Council through a resolution adopted pursuant to § 40128(f) of Article 1, Chapter 40, Division 4, Title 5, Guam Code Annotated."*

The objective of this recommended addition is simple and two-fold. First, it brings together two needed changes in the Zoning Law relative to the proper sequential process for gathering government and public input on proposed land use actions in each municipality. Second, it resolves the outdated and unresponsive authority of the Guam Land Use Commission (GLUC) over and knowledge of neighborhoods. The Zoning Law is very clear that the welfare of the neighborhood is important, so important that if that welfare (good) is not preserved or possibly even enhanced in some way a zone variance cannot be granted (§61617(c)). The experts and most qualified stakeholders to determine neighborhood welfare are the people who live in the neighborhood.

Community-level analysis and subsequent decision making on all applications should not be advisory or expressing an opinion to a higher authority. Community-based analysis and review resulting in information must be married with community-based decision making and ultimately accountability to the greatest extent possible. The Municipal Planning Council (MPCs) level of government can function in this role. It's tempting to try second guess or postulate how an MPC would perform or handle reviewing and analyzing variances and other land use actions but to my mind it cannot be argued that community or municipal-level leadership would not know or act responsively regarding "neighborhood" change and growth. I can't think of any good reason or compelling greater good to maintain that central government appointed Commissioners from outside of a given municipality have absolute authority to decide the future growth and development of our villages.

The fact that you feel it necessary (as I do) to introduce legislation stipulating an improved sequential process to ensure municipal leadership receives all government agency input before municipal hearings is telling. It indicates that the GLUC, which can promulgate rules for the conduct of its business (§60405) or request the Governor to issue executive orders to do the same, does not highly value municipal input. That being said, I don't think the GLUC administers its zoning (Chapter 61) responsibilities with the intent to harm or to impose incompatible development on neighborhoods. I do think, after many years of observation and participation at GLUC meetings, that the GLUC is generally apathetic toward MPCs and residents not because they are opposed to MPC and resident input but because they are guided and compelled by what they must feel are higher interests such as the welfare of the entire island. It's easy pretty easy to understand how this largely informal and often unspoken policy is disconnected from neighborhood values. We need to connect neighborhood values with general welfare of the island in a way that first preserves "neighborhood" because the law requires such and it's the right thing to do. Island-wide growth policy should substantially be informed by neighborhood and village vision.

It's time for change. We have seen more than enough conflict since the mid-1980s between the GLUC and various communities and neighborhoods especially when the stakes were high. Please allow mayors and MPCs with direct input to decide how their villages develop.

---

I also strongly support Bill 366-33 with recommended modifications. I believe, based on solid historical evidence that a land use plan for southern Guam will not materialize without a moratorium to serve as an incentive. My recommendations follow.

1. Add a moratorium on **zone changes** and summary zone changes pursuant to Title 21, Chapter 61, Article 6, Subarticle 3. Excluding zone changes significantly weakens the intent of the Bill 366-33.
2. The inter-play between a moratorium on building permits and a waiver for approved land uses involving (presumably) GLUC approved development is confusing. It could be interpreted that favorable consideration (an exemption) is given to developers that have processed their development plans through the GLUC (again, presumably garnering zone changes, variances, PUDs, and conditional uses), while developers that complied with zoning requirements (did not request exceptions to the law) are barred for constructing.

The only conceivable purpose of a moratorium on building permits would be to hold development in abeyance while master planning is underway because the plan and any standards to be formulated might either result in up zoning or down zoning or associated uses or standards. This is a legitimate objective of planning. I don't understand why GLUC approved land uses would have preference over other development (single-family and variances via the provisions of this Bill aside).

On a related point, re-zoning approvals to any zone other than PUD cannot be legally saddled with conditions including the imposition of time limits. This means there's no difference between construction commencing after a GLUC zone change and construction that did not require GLUC approval. The only zone changes that might have time limits would be those legislatively authorized.

I recommend that if a moratoria other than single family home or variance approved building permit is desired it should include GLUC approved development as well as legislatively approved development (zone change or other). This approach would be far more equitable and would preserve the opportunity to re-zone land in the planning area with any modified or new standards. This recommendation if taken would necessitate the deletion of the proposed exemption at Section 4.(a) of Bill 366-33.

Sincerely,



Randy Sablan

CC: Mayors Council of Guam

Buenas yan Hafa Adai Senators, mane'luhu yan manai'naiho,

My name is Zita Pangelinan, a resident of Yo'na.

Dangkulo na Si Yu'os Ma'ase for reaching out and bringing Bills 365 -33 and 366-33 for public hearing before our communities here in Yona! Dangkulo na Si Yu'os Ma'ase for listening and hearing our concerns over our latest experience with Pago Bay and thus introducing bills to avoid a repeat of that experience. These bills give us hope as it aligns with our desire to ensure that we are given the time to develop a Master Plan for our Southern Guam and more importantly to ensure that our people will have a voice in the process.

Absent many hearings that I have attended at the Guam Land Use Commission is the discussion the value given to our residents, our people's concerns over development in their community.

You have heard it consistently from our community members Senators... **who and what are we planning our development for?**

And as we have experienced with the conditional approval of Pago Bay, when we emphatically cried out, NO, must we always be required to cough up monies that we do not have, or spend our precious time away from our families to attend meetings and public hearings to protect and defend our land, our community and the way we wish to live?

Ma inkatga hit para ta protehi yan defendi, I aire, I hanom yan I tano, para I man'ma'maila nsa mas presi'su sa enao mafanaguetta! We have been charged to protecting and defending our air, water and land for generations to come, as we have been taught.

Hunggan, pot fabot... set this 2 year Moratoria on all development until a Southern Master Plan by our people for our people and to guide us in our growth and development. The great valuable lessons we have is our past experience. We can no longer focus on economics and the investments of non-residents to adversely affect our livelihood as a people as we have experienced in past developments that has left our people to deal with the burdens of those numerous costly mistakes, adversely affecting our people, our sacred lands, our environment. It is for this reason, that I testify in support of 365 -33 and 366-33 with the recommended changes as follows:

My recommended change to Bill No. 365-33 is as follows:

Please incorporate language proposed in Bill 318-33 by Senator Frank Aguon Jr and Senator Morrison.

Section 1. Line 11 - For each variance application, zone change, government lease, conditional use application and other proposed project reviewed by the Guam Land Use Commission involving Land in Guam, the relevant Municipal Planning Council of Guam's respective villages shall register its approval or disapproval with the Commission. **No project shall be approved by the Guam Land Use Commission unless it has received the approval of the relevant Municipal Planning Council.....**

The following are my recommended changes to Bill No. 366-33:

- 1.) ADD the Municipality of Chalan Pago to Section 2(a);
- 2.) Delete Section 3 in its entirety. What is the purpose of filing for approval or disapproval if the Legislature fails to take action within sixty (60) days and the application automatically defaults to approval? This is just a loophole that defeats the purpose of the bill.
- 3.) ADD the following language in a new Section 3 - **Temporary Moratorium on the issuance of permits by the Department of Land Management (DLM), Department of Public Works (DPW), Guam Environmental Protection Agency (GEPA), Guam Water Works Authority (GWA), and Department of Parks & Recreation (DPR).**

There *shall be* a temporary moratorium placed on the issuance of all permits to the municipalities of *Santa Rita, Agat, Umatac, Merizo, Inarajan, Talofofo, Yona and Chalan Pago* by the following agencies: Department of Land Management (DLM), Department of Public Works (DPW), Guam Environmental Protection Agency (GEPA), Guam Power Authority (GPA), Guam Water Works Authority (GWA), and Department of Parks & Recreation (DPR) for the next two (2) years *or* until such time a Southern Development Masterplan has been developed and approved, whichever comes first.

- 4.) Delete Section 4(a).
- 5.) ADD the following language to new Section 6 - Any further actions by any Board, Administrative Director, or employees of the Department of Land Management (DLM), Department of Public Works (DPW), Guam Environmental Protection Agency (GEPA), Guam Water Works Authority (GWA), Guam Power Authority (GPA) and Department of Parks & Recreation (DPR) that conflict with the

provisions of this Act shall make them collectively and/or individually subject to the civil and criminal penalties prescribed by the laws of the government of Guam.

Dangkulo na Si Yu'us Ma'ase Senators for your time and efforts to include our input on these bills and coming down to speak to our villages.

Sincerely,

  
**ZITA D. PANGELINAN,**

**TAOTAO YO'NA**



# GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN  
P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

September 6, 2016

Senator Thomas C. Ada  
I Mina'Trentai Tres Na Liheslaturan Guahan  
Ste. 207 Ada Plaza Ctr.  
173 Aspinall Ave.  
Hagåtña, Guam 96910

Subject: Written Testimony on Bill 365-33 (COR)

Dear Senator Ada:

GPA has completed its review of the proposed legislation and provides the following written testimony. GPA understands that the intent is to provide the Municipal Planning Council access to Agency Statements from the ARC as it affects development of real property within the municipality.

Under the Application Review Committee (ARC), GPA provides position statements to the Guam Land Use Commission on zoning and other land activities. The position statement is designed to ensure compliance with GPA standards, rules and policies and to evaluate the ability to support the proposed development and the impact, if any, to GPA's infrastructure. This response is submitted to the GLUC Secretary and is made a part of the Planning staff report.

Section 2. §61106 (a) of the Bill introduces an additional requirement for all land use action. GPA believes that this process already exists in the GLUC/GSPC application process.

Furthermore, Section 2. §61106 (b) of the Bill requires that members of the ARC be present at the municipal public hearing to provide information relative to their area of expertise. GPA believes the requirement under this act will add additional costs to GPA for its personnel to attend meetings that often occur after regular work hours.

GPA standards, existing Guam real property statutes, DPW plan review process for construction projects and the existing GLUC application process prevent GPA from failing to provide the necessary planning and position statements necessary for any given project. GPA believes that these measures are adequate to address the Municipal Planning Council requirements. GPA respectfully requests that the Bill be modified to minimize the potential cost impact to GPA which will inevitably be passed on to our ratepayers.

Thank you for the opportunity to address GPA's concerns and for your thoughtful and deliberate consideration. GPA remains committed to serving the island community in providing reliable and efficient electrical service.

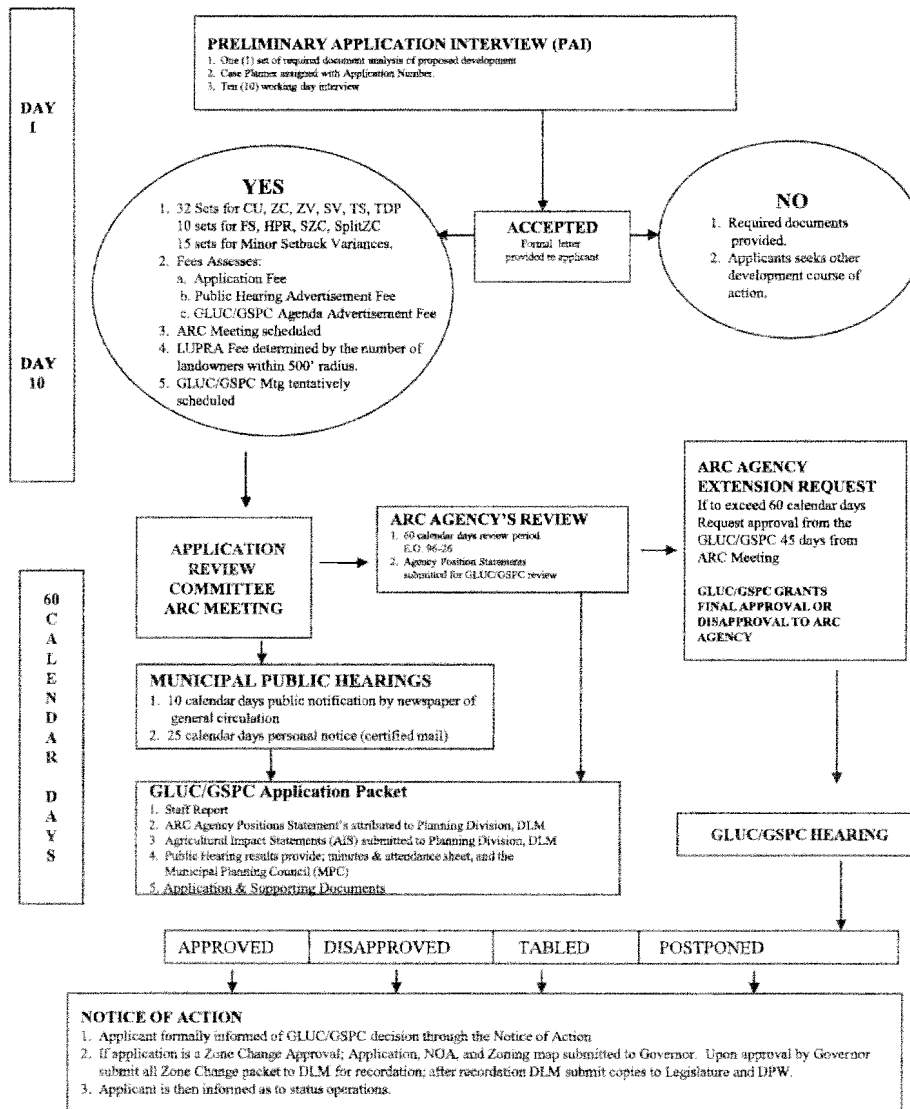
Sincerely,

  
MELINDA R. CAMACHO, P.E.  
General Manager (A)

cc: Director, DLM



**GUAM LAND USE COMMISSION  
GUAM SEASHORE PROTECTION COMMISSION  
APPLICATION PROCESS**







**DIPATTAMENTON MINANEHAN TANO'**  
 (Department of Land Management)  
**GUBETNAMENTON GUAHAN**  
 (Government of Guam)



**EDDIE BAZA CALVO**  
 Governor

**MICHAEL J.B. BORJA**  
 Director

**RAY TENORIO**  
 Lieutenant Governor

**DAVID V. CAMACHO**  
 Deputy Director

**Street Address:**  
 590 S. Marine Corps Drive  
 Suite 733 ITC Building  
 Tamuning, GU 96913

**Mailing Address:**  
 P.O. Box 2950  
 Hagåtña, GU 96932

**Website:**  
<http://dlm.guam.gov>

**E-mail Address:**  
[dmdir@land.guam.gov](mailto:dmdir@land.guam.gov)

**Telephone:**  
 671-649-LAND (5263)

**Facsimile:**  
 671-649-5383

August 29, 2016

**Memorandum**

**To:** Department of Public Works  
 Guam Environmental Protection Agency  
 Bureau of Statistics and Plans  
 Department of Agriculture  
 Guam Power Authority  
 Guam Waterworks Authority  
 Department of Parks and Recreation

**From:** Director, Department of Land Management

**Subject:** Bill 365-33

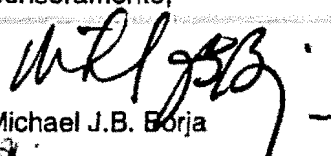
Attached is the above subject bill which proposes to establish a sequential process for the Application Review Committee (ARC) and the Municipal Public Hearing in the Guam Land Use Commission application process and a scheduled of public hearings to be held starting on Wednesday, September the 7<sup>th</sup> 2016, at the Santa Rita Senior Citizens Center.

The Department of Land Management as Chairman of the ARC, will be attending the public hearings and request your comments as ARC voting members, on Bill 365-33 in reference to impacts your agency will encounter in meeting the proposed mandates of the bill.

As noted the initial public hearing is scheduled for the 7<sup>th</sup> of September and I would like to receive your response no later than the 5<sup>th</sup> of September in order to have a general knowledge prior to the public hearing, of how the proposed bill is to impact the ARC should it become law.

Thank you for your attention and your response will be greatly appreciated.

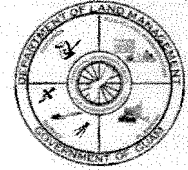
Senseramente,

  
 Michael J.B. Borja

**Attachment:** Bill 365-33 (COR)  
 Sen. Thomas Ada memo w/ Public Hearing Schedule  
 PDN Ad of Public Hearing Schedule



**DIPATTAMENTON MINANEHAN TANO'**  
 (Department of Land Management)  
**GUBETNAMENTON GUAHAN**  
 (Government of Guahan)



EDDIE BAZA CALVO  
 Governor of Guahan

MICHAEL JB BORJA  
 Director

RAY TENORIO  
 Lieutenant Governor of Guahan

DAVID V. CAMACHO  
 Deputy Director

Street Address:  
 590 S. Marine Corps Drive  
 Suite 733 ITC Building  
 Tamuning, GU 96913

Mailing Address:  
 P.O. Box 2950  
 Hagatna, GU 96932

Website:  
<http://land.guam.gov>

E-mail Address:  
[dmdir@land.guam.gov](mailto:dmdir@land.guam.gov)

Telephone:  
 671-649-LAND (5263)

Facsimile:  
 671-649-5383

September 6, 2016

Senator Thomas C. Ada  
 33<sup>rd</sup> Guam Legislature  
 Chairman, Committee on Transportation,  
 Infrastructure, Lands, Border Protection,  
 Veteran's Affairs and Procurement  
 173 Aspinall Ave, Ste 207  
 Hagatna, Guam 96910

**SUBJECT:** **Bill No. 365-33 – AN ACT TO ADD §61106 TO CHAPTER 61, TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO SETTING A SEQUENTIAL PROCESS FOR THE APPLICATION REVIEW COMMITTEE (ARC) AND THE MUNICIPAL PUBLIC HEARING IN THE GUAM LAND USE COMMISSION APPLICATION PROCESS.**

***Buenas Yan Hafa Adai!***

This bill proposes any land use action requiring the review and decision of the Guam Land Use Commission that no municipal public hearing be held and conducted until the completion and submission of all official Application Review Committee (ARC) position statements. It further requires permanent ARC voting members who submitted position statements to be present at the municipal public hearing.

The Department of Land Management submits no comments on the bill's intent and purpose but must note that it does not have any control on the attendance of ARC members who represent other departments and autonomous agencies. Furthermore, the language of the bill creates a tone that failure of an ARC member to be present at a municipal public hearing will impede further processing of the land use application. We suggest the restrictiveness of this language be modified, especially if the written comments by that agency were clear and unambiguous.

Thank you very much for permitting me to provide this testimony.

***Senseramente,***

**MICHAEL J.B. BORJA**  
 Director

## **Bill 365-33 COR**

**Page 1, Section 1, line 8- 10 where it reads** "The ARC is a critical component of the Guam Land Use Commission (GLUC) application process because it provides the professional review, analysis and advice of development activities in Guam."

Question/suggestion: why aren't the federal counter parts to the local Gov't agencies listed in section 1 included in the ARC process by conducting their own studies and analysis then providing documentation and testimonies of their findings.

**Page 2, line 11 reads** "I Liheslaturan Guahan intends to ensure that no municipal public hearing shall be scheduled until such time that all ARC position statements are received by the Department of Land Management Planning division and transmitted together with the land us application to the Mayor's Office."

I strongly suggest that it be entered into the body of this bill that the surrounding land owners who are affected by the development in the given municipality must be identified and notified in writing prior to the public hearing and that all ARC position statements along with the land use application also be transmitted and received by the surrounding land owners as well as the Mayor's office of that given Municipality 30 to 60 days prior to the municipal public hearing.

## **Bill 366-33 COR**

I am in support of a moratorium hence forth until a Southern Development Master Plan has been developed and approved I will again mention here that the Federal counter parts to our local Gov't regulatory agencies be included into the Southern Development Master Plan.

### **Page 2, Section 2, Line 7-20**

I am not in favor of a temporary moratorium of 2 years. I prefer until the Southern Development Master Plan has been developed and approved.

### **Page2, Section 3, Line 21-25**

I am not in favor of that part that reads The action shall default to approval if the Legislature fails to take action within 60 days.

In addition to that based on my families on going experiences with regards to development surrounding our land the negative impact of serious erosion on the embankment and flooding damage to our inland property. None of these issues has ever been a problem prior to the surrounding developments, oh not to forget the continuing trespassing of private property and the stealing of private property by employees of the surrounding development several time caught in the process of harvesting our fruits

and resources like palm leaves or wood and stealing our bounty from our traps. A great disrespect to my family, myself and our culture.

For these reasons I add that it Bill 366 be inclusive of a post study analysis of 5 year increments of up to 25 years.

Thank You sincerely

Wayne Ulloa and Family

Talofofu Resident

# BARRIGADA

Office of the Mayor & Vice Mayor  
124 Luayao Lane, Barrigada, Guam 96913

September 23, 2016

Honorable Thomas C. Ada  
Chairman, Committee on Transportation,  
Infrastructure, Lands, Border Protection,  
Veterans' Affairs and Procurement  
*I Mina'trentai Tres na Liheslaturan Guåhan*  
Hagåtña, Guam 96910

Re: Bill No. 365-33 (COR), "An act to add a new §61106 to Chapter 61, Title 21 of the Guam Code Annotated, relative to setting a sequential process for the Application Review Committee (ARC) and the Municipal Public Hearing in the Guam Land Use Commission application process."

Dear Senator Ada, Members of the Committee:

*Buenas yan Saludu para todos hamyu!* Vice Mayor Jessie P. Bautista and I, together with members of the Barrigada Municipal Planning Council support the passage and enactment of Bill No. 365-33 (COR).

When Executive Order 96-26 was promulgated, it created the Application Review Committee comprised of permanent voting members from the following government agencies [Guam EPA, Department of Agriculture, Guam Waterworks Authority, Guam Power Authority, Department of Parks and Recreation, the Department of Public Works and the Bureau of Statistics and Plans]. As the technical review component of the Guam Land Use Commission it assists the GLUC in its decision making responsibilities in granting subdivision approvals, zone changes, conditional uses and variances from land use laws and regulations as well as Seashore Reserve & Wetland Permits.

It should be noted that the Application Review Committee provides technical recommendations to the Guam Land Use Commission for final consideration in deciding on an applicant's request.

Mr. Chairman, this review process should also be afforded to the affected Municipal Planning Councils. Presently, the affected Municipal Planning Councils often conduct municipal public hearings without the benefit of expert and professional comments.

In the case of Barrigada, we are left to do our own research and secure documentation(s) from other government agencies before we submit our findings and recommendations. Its time that these municipal public hearings have the adequate access to statement(s) from ARC ... so we do not deprive our community the opportunity to thoroughly review and comment on these applications.

Thank you for your time and attention and we look forward to your Committee's favorable reporting of Bill No. 365-33 (COR).

*Sinsaramente,*

  
JUNE U. BLAS  
Mayor

  
JESSIE P. BAUTISTA  
Vice Mayor

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN*  
2016 (SECOND) Regular Session

Bill No. 315-33 (COR)

Introduced by:

T. C. Ada   
Tommy Morrison 

AN ACT TO ADD A NEW § 61106 TO CHAPTER 61,  
TITLE 21 OF THE GUAM CODE ANNOTATED,  
RELATIVE TO SETTING A SEQUENTIAL PROCESS  
FOR THE APPLICATION REVIEW COMMITTEE  
(ARC) AND THE MUNICIPAL PUBLIC HEARING IN  
THE GUAM LAND USE COMMISSION  
APPLICATION PROCESS.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guáhan* finds

3 that Executive Order 96-26 created the Application Review Committee (ARC),

4 which is comprised of permanent voting members from various government

5 agencies to include the Guam Environmental Protection Agency, Department of

6 Agriculture, Guam Waterworks Authority, Guam Power Authority, Department of

7 Parks and Recreation, Department of Public Works and Bureau of Statistics and

8 Planning. The ARC is a critical component of the Guam Land Use Commission

9 (GLUC) Application Process because it provides the professional review, analysis

10 and advice of development activities in Guam. The *Municipal Public Hearing* is

11 also a critical information gathering process that provides input to the GLUC as it

12 pertains to the views and sentiments of the residents in the affected municipality(s).

2016 AUG 18 10:48 AM

1            *I Liheslaturan Guåhan* further finds that the public hearings conducted in the  
2 affected Municipal Planning Councils (MPC) are often conducted without the  
3 benefit of the findings and recommendations of the ARC. Consequently, however,  
4 in the GLUC Application Process, the ARC Meeting *may not occur before* the  
5 Municipal Public Hearing *or the Municipal Planning Council may not have review*  
6 *access to the Agency Statements from the ARC* thereby depriving the Community  
7 of the opportunity to review the ARC agency statements and of the critical  
8 information needed to understand the overall impact of the development activity in  
9 their municipality prior to the issuance of a Municipal Planning Council  
10 Resolution.

11            *I Liheslaturan Guåhan* intends to ensure that no municipal public hearing  
12 shall be scheduled until such time that all ARC official position statements are  
13 made a part of the project application and such completed project application be  
14 transmitted to the impacted Community in care of the Office of the Mayor for its  
15 Municipal Planning Council review and resolution.

16            **Section 2.** A New § 61106 of Chapter 61, Title 21 GCA is added to read:

17            **“§ 61106. Schedule of Municipal Public Hearings.**

18                    (a) In any land use action that requires the review and  
19 decision by the Guam Land Use Commission, no municipal  
20 public hearing shall be scheduled and conducted in the affected  
21 municipality until the completion and submission of all official  
22 Application Review Committee position statements are  
23 received by the Department of Land Management Planning  
24 Division and transmitted together with the land use application  
25 to the Mayor’s Office.

26                    (b) Permanent voting members of the Application  
27 Review Committee, who have submitted position statements,

1 shall be present at the municipal public hearing to provide  
2 information relative to their area of expertise.”

3 **Section 3. Severability.** If any provision of this law or its application to  
4 any person or circumstance is found to be invalid or contrary to law, such  
5 invalidity *shall not* affect other provisions or applications of this law that can be  
6 given effect without the invalid provisions or applications and to this end the  
7 provisions of this Act are severable.



## SUMMARY ZONE CHANGE PROGRAM PROCESS

PL 21-82, Amended by PL 21-144

Process #	Process	Duration
1	<b>Advises interested party on Summary Zone Change Program</b>	
2	<b>Planner Works With Interested Party to Develop “Working Copy” Application.</b> Upon completion of working copy Application, client submits application for Preliminary Application Interview.	
3	<b>Case Planner Assigned – Conducts PAI – 10 days</b> 1. Advises Client on Application Findings 2. If complete, informs client to submit eight (8) sets to DLM and Prepare \$25.00 Filing Fee check to TOG	Day 10  Day 0
4	<b>Case Planner Accepts Application</b> 1. Client provides eight (8) sets to DLM and Filing Fee 2. DLM provides application acceptance memo to client. 3. DLM distributes copies to ARC and Certifying Agencies.	Day 1
5	1. Case Planner schedules field inspection with client. 2. Certifying Agencies provide infrastructure adequacy certification to DLM. 3. Depending on proposed development, case planner informs Mayor of proposed development and schedules meeting with client to discuss certification findings. 4. Provides LUPRA with Application for 500 foot radius public hearing notification.	Day 1 – 10 Day 15  Day 1 - 15  Day 1 – 5
6	<b>Upon Receipt of all four (4) certifications, Case Planner Schedules meeting with client to discuss certifications findings.</b>	Day 15 - 20
7	<b>Municipal Public Hearing Notification submitted to newspaper of General Circulation 13 days out from public hearing date.</b>	Day 30 – 40  Day 40
8	<b>Municipal Public Hearing</b> 1. Municipal Planning Council Resolution submitted to DLM – 14 days after public hearing	Day 55
9	<b>Application &amp; Findings Through Notice of Action (NOA) Finalized with COA: Approval with Conditions or Disapproval.</b> 1. NOA Signed: Director & Guam Chief Planner 2. Applicant Provided out brief and signs certification of understanding.	Day 55 - 60
10	<b>NOA Packet Recorded with DLM</b>	Day 60
11	<b>Acknowledgment Receipt Provided To</b> 1. Building Official 2. Legislative Secretary 3. Client	Day 60



# COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guahan* • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muna Barnes  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
Nerissa Bretania Underwood  
Member

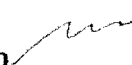
V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

August 26, 2016

## Memorandum

**To:** Rennae Meno  
*Clerk of the Legislature*

**From:** Senator Rory J. Respicio   
*Chairperson of the Committee on Rules*

**Subject:** Fiscal Notes and Fiscal Note Waiver

*Hafa Adai!*

Attached please find the fiscal notes and fiscal note waiver for the bill numbers listed below. Please note that the fiscal notes and fiscal note waiver are issued on the bills as introduced.

### FISCAL NOTES:

Bill No. 360-33(COR)  
Bill No. 361-33(COR)  
Bill No. 362-33(COR)

### FISCAL NOTE WAIVER:

Bill No. 365-33(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

2016 Aug 26 11:19:21  
HAW



**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**  
GOVERNOR

**JOSE S. CALVO**  
DIRECTOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR

**AUG 25 2016**

**LESTER L. CARLSON, JR.**  
DEPUTY DIRECTOR

The Bureau requests that Bill No. 365-33 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 365-33 (COR) is an Act to add a new §61106 to Chapter 61, Title 21 of the Guam Code Annotated, relative to setting a sequential process for the Application Review Committee (ARC) and the municipal public hearing in the Guam Land Use Commission Application process.

The proposed legislation stipulates that any municipality affected by a land use action requiring the review and decision by the Guam Land Use Commission shall not schedule and conduct a municipal public hearing in the affected municipality prior to the completion and submission of all ARC position statements to the Department of Land Management and the affected Mayor's Office. In addition, all members of the ARC that submitted a decision to the land use action shall be present at the municipal public hearing to provide information relative to their expertise.

The intent of the Bill poses no fiscal impact upon any funds of the Government of Guam.

  
JOSE S. CALVO



## COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

August 16, 2016

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

### MEMORANDUM

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

**To: Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

Vice-Speaker  
Benjamin J.F. Cruz  
Member

**From: Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

Legislative Secretary  
Tina Rose Muna Barnes  
Member

**Subject: Referral of Bill No. 365-33(COR)**

Senator  
Dennis G. Rodriguez, Jr.  
Member

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 365-33(COR)**.

Senator  
Frank Blas Aguon, Jr.  
Member

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Tres Na Liheslaturan Guåhan*.

Senator  
Michael F.Q. San Nicolas  
Member

Should you have any questions, please feel free to contact our office at 472-7679.

Senator  
Nerissa Bretania Underwood  
Member

*Si Yu'os Ma'åse!*

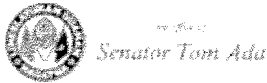
V. Anthony Ada  
MINORITY LEADER

Attachment

Mary C. Torres  
MINORITY MEMBER

*I Mina'Trentai Tres Na Lihestaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
365-33 (COR)	T. C. Ada Tommy Morrison	AN ACT TO ADD A NEW § 61106 TO CHAPTER 61, TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO SETTING A SEQUENTIAL PROCESS FOR THE APPLICATION REVIEW COMMITTEE (ARC) AND THE MUNICIPAL PUBLIC HEARING IN THE GUAM LAND USE COMMISSION APPLICATION PROCESS.	08/16/16 4:08 p.m.	08/16/16	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement			



Blaine Dydasco &lt;bdydasco@senatorada.org&gt;

## 1st Notice of Public Hearing - Bill No. 366 and Bill No. 356 <sup>365</sup>

2 messages

Charlene Flores &lt;flores@senatorada.org&gt;

Mon, Aug 29, 2016 at 11:09 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, DLMDIR <dlmdir@land.guam.gov>, Michael Borja <michael.borja@land.guam.gov>, John Arroyo <jarroyo@tgguaam.net>, A Gogue <magahet4@gmail.com>, strong@guam.net, Zita Pangelinan <zpangelinan@gmail.com>, Joni Kerr <jonikerr@gmail.com>, Ken Leon-Guerrero <kenleonguerrero@yahoo.com>, rlsablan@yahoo.com, Jason Biggs <biggs.js@gmail.com>, tomdiego\_guam@yahoo.com, asiasison@hotmail.com, jose@compadres.com, Linda Tatreau <lindian@teleguam.net>, bcruz253@msn.com, lasia@me.com, j-msbrown@gmail.com, malamasly@gmail.com, Rodney Webb <webb.rodney@gmail.com>, iqperedo@hotmail.com, eddelapenaja@yahoo.com, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, Agat <agatmayorsoffice@hotmail.com>, ksusuico@yahoo.com, Asan Maina <hamiasanmaina@gmail.com>, Barrigada <bmomayor@gmail.com>, Jessie Bautista <jessie.bautista007@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter\_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, inarajan municipality <inarajanmayorsoffice@gmail.com>, nblas\_mangilaomayor@yahoo.com, vicemayor\_allan.ungacta@yahoo.com, mayorenerstc@yahoo.com, mtmmayorsoffice1@yahoo.com, pitimayor@yahoo.com, Dale Alvarez <daleealvarez@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, talofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, Mayor Rudy <yigomayorsoffice@gmail.com>, Anthony Sanchez <yigovoice@gmail.com>, kenjoeada@yahoo.com, mcogadmin@teleguam.net

August 29, 2016

### MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*Subject: **1st Notice of Public Hearing**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement will be conducting a public hearing on:

#### Bill No. 366 (COR) – T.C. Ada / T.A. Morrison

An act to impose a moratoria on selected sections of 21 GCA Chapter 61 for southern Guam for two (2) years or until a southern development master plan has been approved and adopted by the legislature,

whichever comes first.

**Bill No. 365-33 (COR) – T.C. Ada / T.A. Morrison**

An act to add a new § 61106 to Chapter 61, Title 21 of the Guam Code Annotated, relative to setting a sequential process for the Application Review Committee (ARC) and the Municipal Public Hearing in the Guam Land Use Commission application process


The hearings will take place at 6:30pm on the following dates and locations:


<b>September</b>	<b>7 Wed.</b>	<b>Santa Rita</b>	Senior Citizens Center
	<b>14 Wed.</b>	<b>Agat</b>	Community Center
	<b>15 Thu.</b>	<b>Merizo</b>	Senior Citizens Center
	<b>19 Mon.</b>	<b>Inarajan</b>	Community Center
	<b>20 Tue.</b>	<b>Talofof</b>	Jeremy Newby Center
	<b>21 Wed.</b>	<b>Yona</b>	Community Center
	<b>22 Thu.</b>	<b>Umatac</b>	Community Center

Testimony on the **Bill No. 366-33 (COR)** and **Bill No. 365-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **4:00pm Monday, September 26, 2016**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.

--  
 Charlene Flores  
 Policy Analyst  
 Office of Senator Thomas C. Ada  
*I Mina'trentai Tres na Liheslaturan Guåhan* - 33rd Guam Legislature  
 671-473-3301

**3 attachments**

 **1st Notice.pdf**  
362K

 **Bill No. 366-33 (COR).pdf**  
262K



Senator Tom Ada

Blaine Dydasco <bdydasco@senatorada.org>

## 2nd Notice of Public Hearing - Bill No. 366 (COR) and Bill No. 365-33 (COR)

2 messages

**Charlene Flores** <flores@senatorada.org>

Fri, Sep 2, 2016 at 8:33 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, DLMDIR <dlmdir@land.guam.gov>, Michael Borja <michael.borja@land.guam.gov>, John Arroyo <jarroyo@tggum.net>, A Gogue <magahet4@gmail.com>, strong@guam.net, Zita Pangelinan <zpangelinan@gmail.com>, Joni Kerr <jonikerr@gmail.com>, Ken Leon-Guerrero <kenleonguerrero@yahoo.com>, rlsablan@yahoo.com, Jason Biggs <biggs.js@gmail.com>, tomdiego\_guam@yahoo.com, asiasison@hotmail.com, Linda Tatreau <lindian@teleguam.net>, bcruz253@msn.com, lasia@me.com, malamasly@gmail.com, Rodney Webb <webb.rodney@gmail.com>, iqperedo@hotmail.com, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, Agat <agatmayorsoffice@hotmail.com>, ksusuico@yahoo.com, Asan Maina <hamiasanmaina@gmail.com>, Barrigada <bmomayor@gmail.com>, Jessie Bautista <jessie.bautista007@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter\_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, inarajan municipality <inarajanmayorsoffice@gmail.com>, nblas\_mangilaomayor@yahoo.com, vicemayor\_allan.ungacta@yahoo.com, mayorernestc@yahoo.com, mtmmayorsoffice1@yahoo.com, pitimayor@yahoo.com, Dale Alvarez <daleealvarez@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, talofomayor@gmail.com, "Mayor Louise C. Rivera" <mayoricrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, Mayor Rudy <yigomayorsoffice@gmail.com>, Anthony Sanchez <yigovoice@gmail.com>, kenjoeada@yahoo.com, mcogadmin@teleguam.net, Vera Wu <ms.verawu@gmail.com>, ceo@guamrealtors.com, Joseph Claveria <jpclaveria@hotmail.com>

September 02, 2016

### MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **2<sup>nd</sup> Notice of Public Hearing**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement will be conducting a public hearing on:

Bill No. 366 (COR) – T.C. Ada / T.A. Morrison



An act to impose a moratoria on selected sections of 21 GCA Chapter 61 for southern Guam for two (2) years or until a southern development master plan has been approved and adopted by the legislature, whichever comes first.

**Bill No. 365-33 (COR) – T.C. Ada / T.A. Morrison**

An act to add a new § 61106 to Chapter 61, Title 21 of the Guam Code Annotated, relative to setting a sequential process for the Application Review Committee (ARC) and the Municipal Public Hearing in the Guam Land Use Commission application process


The hearings will take place at 6:30pm on the following dates and locations:

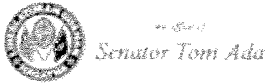
<b>September 7</b>	Wed.	<b>Santa Rita</b>	Senior Citizens Center
<b>14</b>	Wed.	<b>Agat</b>	Community Center
<b>15</b>	Thu.	<b>Merizo</b>	Senior Citizens Center
<b>19</b>	Mon.	<b>Inarajan</b>	Community Center
<b>20</b>	Tue.	<b>Talofof</b>	Jeremy Newby Center
<b>21</b>	Wed.	<b>Yona</b>	Community Center
<b>22</b>	Thu.	<b>Umatac</b>	Community Center

Testimony on the **Bill No. 366-33 (COR) and Bill No. 365-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **4:00pm Monday, September 26, 2016**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.

--  
 Charlene Flores  
 Policy Analyst  
 Office of Senator Thomas C. Ada  
*I Mina'trentai Tres na Liheslaturan Guåhan* - 33rd Guam Legislature  
 671-473-3301

**3 attachments**

 **2nd Notice.pdf**  
 358K



Blaine Dydasco &lt;bdydasco@senatorada.org&gt;

## 1st Notice of Public Hearing

3 messages

Blaine Dydasco &lt;bdydasco@senatorada.org&gt;

Fri, Sep 16, 2016 at 9:38 AM

To: phnotice@guamlegislature.org, phmaterials@guamlegislature.org, Media <media@senatorada.org>, Conchita San Nicolas Taitano <conchita.taitano@epa.guam.gov>, vincent.pereira@epa.guam.gov, jbenavente@gpagwa.com, mcamacho@gpagwa.com, Antonio S Gumataotao <agumataotao@gpagwa.com>, gbotha@gpagwa.com, jpangelinan@gpagwa.com, mcbordallo@guamwaterworks.org, annborja@guamwaterworks.org, koclarck@guamwaterworks.org, heidi@guamwaterworks.org, glenn.leonguerrero@dpw.guam.gov, eleanor.borja@dpw.guam.gov, felix.benavente@dpw.guam.gov, Brent Wiese <wiese@guambcc.org>, John Arroyo <jarroyo@tgguam.net>, Cristina Gutierrez <Cristina.Gutierrez@land.guam.gov>, Michael Borja <michael.borja@land.guam.gov>, DLMDIR <dimdir@land.guam.gov>, david.camacho@land.guam.gov, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, Agat <agatmayorsoffice@hotmail.com>, ksusuico@yahoo.com, Asan Maina <hamiasanmaina@gmail.com>, Barrigada <bmomayor@gmail.com>, Barrigada <jessie.bautista007@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter\_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, inarajan municipality <inarajanmayorsoffice@gmail.com>, nblas\_mangilaomayor@yahoo.com, vicemayor\_allan.ungacta@yahoo.com, mayorernestc@yahoo.com, mtmmayorsoffice1@yahoo.com, pitimayor@yahoo.com, Dale Alvarez <daleealvarez@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, talofofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, Mayor Rudy <yigomayorsoffice@gmail.com>, Anthony Sanchez <yigovoice@gmail.com>, kenjoeada@yahoo.com, joey.sannicolas@gfd.guam.gov, mcogadmin@teleguam.net, rsablan@yahoo.com, Ken Leon-Guerrero <kenleonguerrero@yahoo.com>, A Gogue <magahet4@gmail.com>, lasia@me.com, j.msbrown@yahoo.com, eduardo.ordonez@clb.guam.gov, resiah.malaga@clb.guam.gov, reilly.ridgell@gmail.com, Committee members <committee@senatorada.org>, info@guamchamber.com.gu, preservation@teleguam.net, Guy@guam.net, johnh@calpacguam.com, Zita Pangelinan <zpangelinan@gmail.com>, Joni Kerr <jonikerr@gmail.com>, rlsablan@yahoo.com, Jason Biggs <biggs.js@gmail.com>, tomdiego\_guam@yahoo.com, asiasison@hotmail.com, jose@compadres.com, Linda Tatreau <lindian@teleguam.net>, bcruz253@msn.com, j-msbrown@gmail.com, malamasly@gmail.com, Rodney Webb <webb.rodney@gmail.com>, iqperedo@hotmail.com, eddelapenaja@yahoo.com, strong@guam.net, gca@teleguam.net, marie@guam-peals.org, ray@guam-peals.org, info@ghra.org, michael@tanota.com, alfredy@tanota.com, cundiffb175@gmail.com, maria.flores@revtax.guam.gov, john.camacho@revtax.guam.gov  
Cc: Charlene Flores <flores@senatorada.org>, Joseph Borja <jborja@senatorada.org>, Peter Tran <peter@senatorada.org>, Richard Salas <rsalas@senatorada.org>, Speaker Won Pat <speaker@judiwonpat.com>, "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>, Tina Rose Muna Barnes <senator@tinamunabarnes.com>, "Rory J. Respicio" <roryforguam@gmail.com>, "Frank Blas Aguon, Jr." <aguon4guam@gmail.com>, Senator Michael San Nicolas <senatorsannicolas@gmail.com>, "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, Nerissa Underwood <senatorunderwood@guamlegislature.org>, "V. Anthony Ada" <senatortonyada@guamlegislature.org>, Brant McCreadie <brantforguam@gmail.com>, Mary Camacho Torres <marycamachotorres@gmail.com>, Tommy Morrison <tommy@senatormorrison.com>, "Frank Blas, Jr." <frank.blasjr@gmail.com>, Jim Espaldon <jespaldonesq@gmail.com>, Tom Ada <tom@senatorada.org>

September 16, 2016

### MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **1st Notice of Public Hearing: Friday, September 23, 2016 at 1:00 p.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement will be conducting a public hearing on **Friday, September 23, 2016 at 1:00 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan*. The agenda is as follows:

**1:00 PM**

-

**Bill No. 365-33 (COR) – T. C. Ada / T.A. Morrison**

An act to add a new § 61106 to chapter 61, title 21 of the Guam Code Annotated, relative to setting a sequential process for the Application Review Committee (ARC) and the Municipal Public Hearing in the Guam Land Use Commission application process.

**Bill No. 366-33 (COR) – T. C. Ada / T.A. Morrison**

An act to impose a moratoria on selected sections of 21 GCA chapter 61 for Southern Guam for two (2) years or until a southern development master plan has been approved and adopted by the legislature, whichever comes first.

**Bill No. 367-33 (COR) – T. C. Ada**

An act to update the international fire code and international building code, as adopted by public law 30-199, relative to means of egress sizing, automatic sprinkler systems, and tiki torches.

Testimony on **Bill No. 365-33 (COR)**, **Bill No. 366-33 (COR)**, and **Bill No. 367-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **4:00pm, Monday, September 26, 2016**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.

---

Blaine Dydasco  
Policy Analyst  
Office of Senator Tom C. Ada  
*I Mina' Trentai Tres Na Liheslaturan Guahan-33rd Legislature*



Senator Tom Ada

Blaine Dydasco &lt;bdydasco@senatorada.org&gt;

**2nd Notice of Public Hearing: Friday, September 23, 2016 at 1:00 p.m.**

3 messages

**Blaine Dydasco** <bdydasco@senatorada.org>

Wed, Sep 21, 2016 at 2:58 PM

To: phnotice@guamlegislature.org, phmaterials@guamlegislature.org, Media <media@senatorada.org>, Conchita San Nicolas Taitano <conchita.taitano@epa.guam.gov>, vincent.pereira@epa.guam.gov, jbenavente@gpagwa.com, mcamacho@gpagwa.com, Antonio S Gumataotao <agumataotao@gpagwa.com>, gbotha@gpagwa.com, jpangelinan@gpagwa.com, mcbordallo@guamwaterworks.org, annborja@guamwaterworks.org, koclarck@guamwaterworks.org, heidi@guamwaterworks.org, glenn.leonguerrero@dpw.guam.gov, eleanor.borja@dpw.guam.gov, felix.benavente@dpw.guam.gov, Brent Wiese <wiese@guambcc.org>, John Arroyo <jarroyo@tgguam.net>, Cristina Gutierrez <Cristina.Gutierrez@land.guam.gov>, Michael Borja <michael.borja@land.guam.gov>, DLMDIR <dlmdir@land.guam.gov>, david.camacho@land.guam.gov, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, Agat <agatmayorsoffice@hotmail.com>, ksusuico@yahoo.com, Asan Maina <hamiasanmaina@gmail.com>, Barrigada <bmomayor@gmail.com>, Barrigada <jessie.bautista007@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter\_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, inarajan municipality <inarajanmayorsoffice@gmail.com>, nblas\_mangilaomayor@yahoo.com, vicemayor\_allan.ungacta@yahoo.com, mayorernestc@yahoo.com, mtmmayorsoffice1@yahoo.com, pitimayor@yahoo.com, Dale Alvarez <daleealvarez@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, talofofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, Mayor Rudy <yigomayorsoffice@gmail.com>, Anthony Sanchez <yigovoice@gmail.com>, kenjoeada@yahoo.com, joey.sannicolas@gfd.guam.gov, mcogadmin@teleguam.net, rsablan@yahoo.com, Ken Leon-Guerrero <kenleonguerrero@yahoo.com>, A Gogue <magahet4@gmail.com>, lasia@me.com, j.msbrown@yahoo.com, eduardo.ordonez@clb.guam.gov, resiah.malaga@clb.guam.gov, reilly.ridgell@gmail.com, Committee members <committee@senatorada.org>, info@guamchamber.com.gu, preservation@teleguam.net, Guy@guam.net, johnh@calpacguam.com, Zita Pangelinan <zpangelinan@gmail.com>, Joni Kerr <jonikerr@gmail.com>, rlsablan@yahoo.com, Jason Biggs <biggs.js@gmail.com>, tomdiego\_guam@yahoo.com, asiasison@hotmail.com, jose@compadres.com, Linda Tatreau <lindian@teleguam.net>, bcruz253@msn.com, j-msbrown@gmail.com, malamasly@gmail.com, Rodney Webb <webb.rodney@gmail.com>, iqperedo@hotmail.com, eddelapenaja@yahoo.com, strong@guam.net, gca@teleguam.net, marie@guam-peals.org, ray@guam-peals.org, info@ghra.org, michael@tanota.com, alfredy@tanota.com, cundiffb175@gmail.com, maria.flores@revtax.guam.gov, john.camacho@revtax.guam.gov  
Cc: Charlene Flores <flores@senatorada.org>, Joseph Borja <jborja@senatorada.org>, Peter Tran <peter@senatorada.org>, Richard Salas <rsalas@senatorada.org>, Speaker Won Pat <speaker@judiwonpat.com>, "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>, Tina Rose Muna Barnes <senator@tinamunabarnes.com>, "Rory J. Respicio" <roryforguam@gmail.com>, "Frank Blas Aguon, Jr." <aguon4guam@gmail.com>, Senator Michael San Nicolas <senatorsannicolas@gmail.com>, "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, Nerissa Underwood <senatorunderwood@guamlegislature.org>, "V. Anthony Ada" <senatortonyada@guamlegislature.org>, Brant McCreadie <brantforguam@gmail.com>, Mary Camacho Torres <marycamachotorres@gmail.com>, Tommy Morrison <tommy@senatormorrison.com>, "Frank Blas, Jr." <frank.blasjr@gmail.com>, Jim Espaldon <jespaldonesq@gmail.com>, Tom Ada <tom@senatorada.org>

September 21, 2016

**MEMORANDUM**

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **2nd Notice of Public Hearing: Friday, September 23, 2016 at 1:00 p.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement will be conducting a public hearing on **Friday, September 23, 2016 at 1:00 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan*. The agenda is as follows:

**1:00 PM**

**Bill No. 365-33 (COR) – T. C. Ada / T.A. Morrison**

An act to add a new § 61106 to chapter 61, title 21 of the Guam Code Annotated, relative to setting a sequential process for the Application Review Committee (ARC) and the Municipal Public Hearing in the Guam Land Use Commission application process.

**Bill No. 366-33 (COR) – T. C. Ada / T.A. Morrison**

An act to impose a moratoria on selected sections of 21 GCA chapter 61 for Southern Guam for two (2) years or until a southern development master plan has been approved and adopted by the legislature, whichever comes first.

**Bill No. 367-33 (COR) – T. C. Ada**

An act to update the international fire code and international building code, as adopted by public law 30-199, relative to means of egress sizing, automatic sprinkler systems, and tiki torches.

Testimony on **Bill No. 365-33 (COR)**, **Bill No. 366-33 (COR)**, and **Bill No. 367-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **4:00pm, Monday, September 26, 2016**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.

--  
Blaine Dydasco  
Policy Analyst  
Office of Senator Tom C. Ada  
*I Mina' Trentai Tres Na Liheslaturan Guahan-33rd Legislature*

Public Hearing Notice Listserv  
*phnotice@guamlegislature.org (Media, All Senators, and Staff)*

Updated: June 30, 2016

30thguamyouthcongress@gmail.com	cmduenas@guamlegislature.org	jason@kuam.com
action@weareguahan.com	committee@frankaguonjr.com	jason@senatormorrison.com
admin@bbmr.guam.gov	communications@frankaguonjr.com	jborja@senatorada.org
admin2@guamrealtors.com	communications@guam.gov	jean@tinamunabarnes.com
admin@frankaguonjr.com	cor@guamlegislature.org	jennifer.lj.dulla@gmail.com
admin@guamrealtors.com	coy@senatorada.org	joan@kuam.com
admin@weareguahan.com	cyrus@senatorada.org	joe@toduguam.com
aguon4guam@gmail.com	daniereyes@senatorbjcruz.com	joesa@guamlegislature.org
agusto.aflague@gmail.com	dcrisost@guam.gannett.com	john.calvo@noaa.gov
ahernandez@guamlegislature.org	debbieretuyan@judiwonpat.com	john@postguam.com
alan@tinamunabarnes.com	delisleduenas@judiwonpat.com	johnluces@toduguam.com
alerta.jermaine@gmail.com	desori623@hotmail.com	johntaoconnor@gmail.com
aline4families@gmail.com	divider_j_jimenez@hotmail.com	jon.calvo@mail.house.gov
am800guam@gmail.com	dleddy@guamchamber.com.gu	jontalk@gmail.com
amandalee.shelton@mail.house.gov	dmgeorge@guampdn.com	jpmanuel@gmail.com
amcborja@gmail.com	duenasenator@gmail.com	jstedtaotao@gmail.com
anitaataligmani@gmail.com	ed@tonyada.com	jtenorio@guamcourts.org
ann@toduguam.com	edelynn1130@hotmail.com	julian.c.janssen@gmail.com
ataligba@gmail.com	editor@postguam.com	juliette@senatorada.org
assist_editor@glimpsesofguam.com	editor@saipantribune.com	kai@spbguam.com
av@guamlegislature.org	edpocaigue@judiwonpat.com	kcharfauros74@gmail.com
avillaverde@guamlegislature.org	elena.garcia@senatorbjcruz.com	kcn.kelly@gmail.com
avon.guam@gmail.com	emanaloto@guamlegislature.org	keepinginformed.671@gmail.com
baza.matthew@gmail.com	emqcho@gmail.com	kelly.toves@mail.house.gov
bdydasco@senatorada.org	eo@guamrealtors.com	kennylg@guamlegislature.org
bernice@tinamunabarnes.com	etajalle@guamlegislature.org	kenq@kuam.com
berthaduenas@guamlegislature.org	ewinstoni@yahoo.com	khmg@hbcguam.net
bmkelman@guampdn.com	fbtorres@judiwonpat.com	koreannews@guam.net
brantforguam@gmail.com	fes22744@gmail.com	koreatv@kuentos.guam.net
bruce.lloyd.media@gmail.com	flores@senatorada.org	kstokish@gmail.com
bshringi@moylans.net	frank.blasjr@gmail.com	kstonews@ite.net
caquino@tinamunabarnes.com	frank@judiwonpat.com	kurtzman.guamlegis@gmail.com
carlaborja.73@yahoo.com	gerry@postguam.com	kyle_brian@live.com
carlo.branch@gmail.com	gerrypartido@gmail.com	law@guamag.org
carlo.branch@senatorbjcruz.com	gktv23@hotmail.com	legislativecounsel@guamlegislature.org
carlsanchez@judiwonpat.com	guadalupeignacio@gmail.com	leling@judiwonpat.com
carlsonc@pstripes.osd.mil	guam.avon@gmail.com	life@guampdn.com
ccastro@guamchamber.com.gu	guam@pstripes.osd.mil	ljalcairo@gmail.com
ccharfauros@guamag.org	guamnativesun@yahoo.com	llmatthews@guampdn.com
cgogue@guampdsc.net	hana@guam-shinbun.com	louise@tonyada.com
cheerfulcatunao@yahoo.com	hermina.certeza@senatorbjcruz.com	m.salaila@yahoo.com
christine.quinata@takecareasia.com	hill.bruce@abc.net.au	managingeditor@glimpsesofguam.com
chucktanner@toduguam.com	hottips@kuam.com	mabuhaynews@yahoo.com
cipo@guamlegislature.org	ihernandez@guamlegislature.org	mahoquinene@guam.net
clerks@guamlegislature.org	info@chinesetimesguam.com	malainse@gmail.com
clynt@spbguam.com	james.servino@guamlegislature.org	maria.pangelinan@gec.guam.gov

Public Hearing Notice Listserv  
*phnotice@guamlegislature.org (Media, All Senators, and Staff)*

Updated: June 30, 2016

marilyntablante@gmail.com	rlimtiaco@guampdn.com
martavictoriapalmerlee@gmail.com	robert@postguam.com
marycamachotorres@gmail.com	rolly@kktb.com
maryfejeran@gmail.com	roryforguam@gmail.com
marym@guamlegislature.org	rowena@senatormorrison.com
matthew.santos@senatorbjcruz.com	sabrina@kuam.com
mcarlson@guamlegislature.org	sarah.elmore@senatorbjcruz.com
mcpheerson.kathryn@abc.net.au	senator@senatorbjcruz.com
meruz@hitradio100.com	senator@tinamunabarnes.com
media@frankaguonjr.com	senatorbrantmccreadie@gmail.com
menchu@toduguam.com	senatordrodriguez@gmail.com
millie@tinamunabarnes.com	senatorsannicolas@gmail.com
mindy@kuam.com	senatorTonyada@guamlegislature.org
mis@guamlegislature.org	senatorunderwood@guamlegislature.org
mlwheeler2000@yahoo.com	senjvespaldon@gmail.com
mohernande@guampdn.com	sgtarms@guamlegislature.org
monty.mcdowell@amiguam.com	sitarose2@yahoo.com
mspeps4873@gmail.com	sixquintanilla@gmail.com
mwatanabe@guampdn.com	slimtiaco@guampdn.com
natasha@toduguam.com	smendiola@guamlegislature.org
nb.underwood@yahoo.com	sonedera-salas@guamlegislature.org
news@guampdn.com	speaker@judiwonpat.com
news@spbguam.com	staff@frankaguonjr.com
nick@kuam.com	stephaniemendiola@gmail.com
norman.aguilar@guamcc.edu	tasigirl@gmail.com
office@senatorada.org	tcastro@guam.net
officeassistant@frankaguonjr.com	tcruznelson@gmail.com
oliviampalacios@gmail.com	team5andahalfstar@gmail.com
onlyonguam@acubedink.com	telo.taitague@visitguam.org
orleen@senatorbjcruz.com	thebigshow@k57.com
orsini.rikki@gmail.com	tina.aficto@yahoo.com
oyaol.ngirairiki@gmail.com	tina@tinamunabarnes.com
pacificjournalist@gmail.com	tjtaitano@cs.com
parroyo@k57.com	tom@senatorada.org
pdkprg@gmail.com	tommy@senatormorrison.com
pete@tonyada.com	tony@senatorada.org
peter@senatorada.org	tony@tonyada.com
phill@spbguam.com	tritten@pstripes.osd.mil
procurement@guamlegislature.org	tterlaje@guam.net
policy@frankaguonjr.com	vparriola1@gmail.com
publisher@glimpsesofiguam.com	vpaulino@guamlegislature.org
rennae@guamlegislature.org	xiosormd@gmail.com
responsibleguam@gmail.com	xiosormd@yahoo.com
rfeehan@yahoo.com	ylee2@guam.gannett.com
rsalas@senatorada.org	
ricknauta@hitradio100.com	



## **Sen. Thomas Ada**

**Chairman**

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guåhan • 33<sup>rd</sup> Guam Legislature*

### **AGENDA**

#### **PUBLIC HEARING**

**Friday, September 23, 2016**

**Public Hearing Room, *I Liheslaturan Guåhan***

The agenda is as follows:

#### **1:00pm**

##### **Bill No. 365-33 (COR) – T. C. Ada / T.A. Morrison**

An act to add a new § 61106 to chapter 61, title 21 of the Guam Code Annotated, relative to setting a sequential process for the Application Review Committee (ARC) and the Municipal Public Hearing in the Guam Land Use Commission application process.

##### **Bill No. 366-33 (COR) – T. C. Ada / T.A. Morrison**

An act to impose a moratoria on selected sections of 21 GCA chapter 61 for southern Guam for two (2) years or until a southern development master plan has been approved and adopted by the legislature, whichever comes first.

##### **Bill No. 367-33 (COR) – T. C. Ada**

An act to update the international fire code and international building code, as adopted by public law 30-199, relative to means of egress sizing, automatic sprinkler systems, and tiki torches.





Sen. Thomas Ada  
Committee on Lands

## **Public Hearing Notice** **AGENDA**

**Bill No. 366** by T.C. Ada and T. A. Morrison

**An act to impose a moratorium on land development in Southern Guam**

**Bill No. 365** by T. C. Ada and T. A. Morrison

**An act to require that technical findings & recommendations of ARC be made a part of information provided at Village Public Hearings in the GLUC process**

### **DATES AND LOCATIONS**

**All Village Hearings begin at 6:30pm.**

**Sept 14** Wed. **Agat and Santa Rita** at the Agat Community Center

**15** Thu. **Merizo** Senior Citizens Center

**19** Mon. **Inarajan** Community Center

**20** Tue. **Talofof** Jeremy Newby Center

**21** Wed. **Yona** Community Center

**22** Thu. **Umatac** Community Center

**1pm 23** Fri. **Guam Legislature Public Hearing Room**

Individuals requiring special accommodations please submit request to Charlene Flores at 473-3301.

Paid for by funds of the Committee on Lands

[www.senatorada.org](http://www.senatorada.org)



Sen. Thomas Ada

**Committee on Lands and Infrastructure  
Public Hearing Notice**

Friday, September 23, 2016, 1PM  
I Liheslaturan Guahan, Public Hearing Room

**AGENDA**

**At 1:00 PM:**

**Bill No. 365-33 (COR) – T. C. Ada / T.A. Morrison**

An act to add a new § 61106 to chapter 61, title 21 of the Guam Code Annotated, relative to set a sequential process for the Application Review Committee (ARC) and the Municipal Public Hearing in the Guam Land Use Commission application process.

**Bill No. 366-33 (COR) – T. C. Ada / T.A. Morrison**

An act to impose a moratoria on selected sections of 21 GCA chapter 61 for southern Guam for two (2) years or until a southern development master plan has been approved and adopted by the legislature, whichever comes first.

**Bill No. 367-33 (COR) – T. C. Ada**

An act to update the international fire code and international building code, as adopted by public law 30-199, relative to means of egress sizing, automatic sprinkler systems, and tiki torches.

Individuals requiring special accommodations should submit request to Blaine Dydasco at 473-3301.

Paid for by funds of the Committee on Lands and Infrastructure

[www.senatorada.org](http://www.senatorada.org)

Guam Daily Post - 21 September 2016

[http://www.postguam.com/news/local/southern-residents-voice-support-for-development-bills/article\\_a4b4ed54-7b33-11e6-85b6-7f4f4bf746b5.html](http://www.postguam.com/news/local/southern-residents-voice-support-for-development-bills/article_a4b4ed54-7b33-11e6-85b6-7f4f4bf746b5.html)



PREVIOUS

**Professor accused of sex offense in court today**

University of Guam associate professor Michael Ehlert will a...



NEXT UP

**Suspect in theft says he will 'beat' drug charges**

A 32-year-old man was arrested on multiple charges including...

## Southern residents voice support for development bills

Louella Losinio | Post News Staff Updated Sep 16, 2016

During the first week of the public hearing on Bills 365-33 and 366-33, southern residents have started providing generally positive input to the measures which resulted from scrutiny of the G Land Use Commission's processes in approving developments under its purview.

Bill 366 sets a moratorium on future developments in southern Guam for a period of up to two or until a Southern Master Development Plan has been developed and approved, or whichever comes first. Sen. Tom Ada, who introduced the bill with co-sponsor Sen. Tommy Morrison, said the measure would preserve the status quo for southern Guam during the interim period as the government adopts plans for development.

As proposed in the measure, the moratorium will suspend issuance of building permits, license pertaining to the use of land or buildings, variances and creation of planned development districts in southern Guam. Projects already approved by the GLUC will not be affected.

### **GLUC application process**

Meanwhile, Bill 365 proposes a sequential process for the Application Review Committee (ARC) and the municipal public hearing in the GLUC application process. The ARC comprises the Guam Environmental Protection Agency, the Department of Agriculture, Guam Waterworks Authority,

Power Authority, the Department of Parks and Recreation, the Department of Public Works and Bureau of Statistics and Plans.

The intent of the bill is to require that municipal public hearings be scheduled only after all ARC official position statements are made part of the project application.

Agat resident Roy Gamboa said he supports both bills as written but suggests an extension of moratorium set in Bill 366 beyond two years.

“The moratorium should have some type of verbage that indicates that there is a two-year time on this,” he said.

### **Save Southern Guam**

Save Southern Guam Inc. representatives were at the public hearing voicing their support for the measures. Lasia Casil, SSG chairwoman, also presented generally supportive testimony.

“We support the direction that they are going, they just need to polish the bills a bit,” she said.

SSG member Dianne Strong presented testimony, saying that she wants to present the case study of the Pago Bay Resort Development project for people to get a feeling of the process that didn't go well.

“These bills, when polished, will give villagers a stronger voice, improve transparency of agencies,” she said.

In a release, Strong emphasized that the group supports intelligent development whether it be in the south, north or in central Guam.

“We will be present at all six public hearings in the southern villages conducted by Senator Tom Ada's Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs,” she said.

### **Louella Losinio**

[http://www.postguam.com/news/local/moratorium-measure-has-partner-legislation/article\\_04aa9f6c-6773-11e6-b971-df9c842b6b51.html](http://www.postguam.com/news/local/moratorium-measure-has-partner-legislation/article_04aa9f6c-6773-11e6-b971-df9c842b6b51.html)

<

PREVIOUS

**Two arrested for assaulting manager of Hemlani Apartments**

Police arrested two teens at the Hemlani Apartments who repo...

>

NEXT UP

**Library use up following renovations**

With its fresh coat of paint and smooth-running air-conditioning system, the Nie...

## Moratorium measure has partner legislation

Robert Q. Tupaz | Post News Staff 11 hrs ago

A couple of pieces of legislation proffered last week by Sens. Tom Ada and Tommy Morrison continue the attempt to provide community input into proposed and approved developments before the Guam Land Use Commission, not just in southern Guam, but islandwide.

Bill 365-33 sponsored by the two lawmakers sets a sequential process in the application review process. The Application Review Committee (ARC) comprises permanent voting members from a host of government of Guam agencies, many with oversight over regulatory aspects of proposed developments or projects.

According to the legislative findings by Ada and Morrison, the ARC process is a critical component utilized by the GLUC in approving projects. However, the public often has no knowledge of findings and recommendation put forward by the ARC.

“Public hearings conducted in the affected municipal planning councils are often conducted without the benefit of the findings and recommendations of the ARC,” states Bill 365.

The lawmakers stated that the current process “deprives” the municipal planning council (MPC) and the community an “opportunity to review” ARC recommendations or concerns as listed in its respective reports.

Bill 365 proposes that the MPC public hearing process in the GLUC approval process shall come after and with the benefit and authority to review reports of the ARC.

The intent of Bill 365 is to require that municipal public hearings be scheduled only after all ARC official position statements are made part of the project application.

The ARC comprises the Guam Environmental Protection Agency, the Department of Agriculture, Guam Waterworks Authority, Guam Power Authority, Department of Parks and Recreation, Department of Public Works and the Bureau of Statistics and Plans.

### **Moratorium on southern developments**

Meanwhile, another measure that could impact GLUC decisions is Bill 366-33, also introduced by Ada and Morrison. The measure sets a moratorium on future proposed developments in southern Guam for a period of up to two years.

The proposed temporary land-use moratorium in Bill 366 is set for the next two years or until a Southern Master Development Plan has been developed and approved, or whichever comes first. Current projects approved by the GLUC will not be affected.

The community action group Save Southern Guam (SSG) last Wednesday held a "Wave to Save Pago Bay" roadside wave. The group lauded the introduction of Bill 366 for its temporary land-use moratorium in the southern villages.

Members said the interest in island development needs to be paced and planned properly to offset any impact on the serenity of certain areas in Guam, especially in southern Guam. Moreover, a comprehensive and proper planning process needs to be developed and adhered to for all of Guam.

Bill 366 was introduced to preserve the status quo for southern Guam during the interim period as GovGuam adopts plans for development.

As proposed in the measure, the moratorium will suspend issuance of building permits, license pertaining to the use of land or buildings, variances and creation of planned development districts in southern Guam.

### **Measures target land use**

Bill 366 and Bill 365 are among a couple of other measures introduced to change land-use decisions and processes. Bill 318-33 introduced by Sen. Frank Aguon Jr. seeks to amend statutes to require the approval of municipal planning councils for projects under review by the GLUC.

The measures all are results of the GLUC decision to approve the Pago Bay project and a proposal for a resort in Agat.

GLUC commissioners approved a height variance for the construction of the Pago Bay Marina Resort has been met by protests from concerned members of the community. Petitions for judicial review of the decision and injunctive relief have been filed in court stating that the commission exceeded its authority when it approved the variance.

Some of the points of concern raised include potential impact to the system's aged and inadequate infrastructure – including water, sewer and stormwater management systems – within the area and neighboring community.

These include potential sewer connection issues and low water pressure in neighboring areas located at lower elevations. The Guam Power Authority also determined the need for significant upgrades that would include completion of voltage regulators, load transfers and capacitor banks in order to support the project.

### **Proposed Agat development**

As well, a proposed development in Agat, a 15-story, 144-unit, high-end residential hotel, is opposed by southern residents who contend that the proposal did not have input from the affected communities, specifically the residents of Agat.

Earlier this month, Gov. Eddie Calvo convened the Southern Development Master Plan Task Force, which will address topics ranging from immediate needs to long-term strategic planning up to and beyond the year 2065 in southern Guam.

The task force was also created through public law by Morrison to address the GLUC planning and approval process.

**Robert Tupaz**

Working for you!



http://www.postguam.com/news/local/southern-roadshow-seeks-public-comment-on-gluc-bills/article\_56c1260a-6f51-11e6-8116-8b379911595a.html

<

PREVIOUS

- Coast Guard outlines search-and-rescue procedures
- Lt. Clifton Graham spoke about search-and-rescue procedures ...

>

NEXT UP

- UOG: Operations won't be disrupted by shortfall
- The University of Guam has assured the public that, while it is still faced with...

## Southern roadshow seeks public comment on GLUC bills

Robert Q. Tupaz | Post News Staff Updated 9 hrs ago

### Public hearings on Bills 365-33 and 366-33

- Wednesday, Sept. 7, at Santa Rita Senior Citizens Center
- Wednesday, Sept. 14, at Agat Community Center
- Thursday, Sept. 15, at Merizo Senior Citizens Center
- Monday, Sept. 19, at Inarajan Community Center
- Tuesday, Sept. 20, at Talofofo Jeremy Newby Center
- Wednesday, Sept. 21, Yona Community Center
- Thursday, Sept. 22, at Umatac Community Center

Source Sen. Tom Ada's Office

Sen. Tom Ada announced on Monday that he is taking a couple of pieces of legislation that he introduced on the road in an attempt to gather broader input from those affected. The measures introduced in Bills 365-33 and 366-33 resulted from processes under review that the Guam Land Use Commission exercises in approving developments under its purview.

According to the senator's announcement, the schedule is focused on the southern villages and is to begin on Wednesday, Sept. 7, and will continue through the next two weeks in September.

One of the measures, Bill 366, sets a moratorium on future developments in southern Guam for a period of up to two years or until a Southern Master Development Plan has been developed and approved, or whichever comes first. Ada said that Bill 366 was introduced to preserve the status quo for southern Guam during the interim period as GovGuam adopts plans for development.



As proposed in the measure, the moratorium will suspend issuance of building permits, licenses pertaining to the use of land or buildings, variances and creation of planned development districts in southern Guam.

However, projects already approved by the GLUC will not be affected.

Meanwhile, Bill 365 sets a sequential process in GLUC's application review process. According to Bill 365, the Application Review Committee (ARC) comprises permanent voting members from a host of government of Guam agencies, many with oversight over regulatory aspects of proposed developments or projects.

According to the legislative findings in Bill 365, the ARC process is a critical component utilized by the GLUC in approving projects. However, the public often has no knowledge of findings and recommendations put forward by the ARC.

Bill 365 proposes that the municipal planning council public hearing process in the GLUC approval process shall come after and with the benefit and authority to review reports of the ARC. The intent of Bill 365 is to require that municipal public hearings be scheduled only after all ARC official position statements are made part of the project application.

The ARC comprises the Guam Environmental Protection Agency, the Department of Agriculture, Guam Waterworks Authority, Guam Power Authority, Department of Parks and Recreation, Department of Public Works, and the Bureau of Statistics and Plans.

### **Hearings begin Sept. 7 in Santa Rita**

According to the schedule released by Ada's office the hearings begin Sept. 7 at the Santa Rita Community Center and continues on six separate dates throughout southern Guam through

Wednesday, Sept. 22.

After Santa Rita, Ada will take his committee - which has oversight of infrastructure and lands - to the Agat Community Center on Sept. 14, the Merizo Senior Citizens Center on Sept. 15, the Inarajan Community Center on Sept. 19, Jeremy Newby Center in Talofofo on Sept. 20, the Yona Community Center on Sept. 21 and the Umatac Community Center on Sept. 22

Ada and Sen. Tommy Morrison co-sponsored both pieces of legislation, which add to a couple of other proposals spawned from large-scale projects proposed or construction in southern villages, before the GLUC - of which one was approved.

Earlier this year, the GLUC approved the Pago Bay Marina Resort project and entertained a proposal for a resort in Agat.

### **Pago Bay Marina Resort**

In Pago Bay, Yona, GLUC commissioners approved a height variance for the construction of the Pago Bay Marina Resort. The project and approval met with protests from concerned members of the respective communities and spawned the creation of the "Save Southern Guam" organization, which was organized as a nonprofit community action group.

Petitions for judicial review of the decision and injunctive relief have been filed in court, stating that the commission exceeded its authority when it approved the variance for the Pago Bay development.

Some of the points of concern raised include potential impact to the system's aged and inadequate infrastructure - including water, sewer and stormwater management systems - within the area and neighboring community. These include potential sewer connection issues and low water pressure in neighboring areas located at lower elevations. The Guam Power Authority also determined the need for significant upgrades that would include

completion of voltage regulators, load transfers and capacitor banks in order to support the project.

### **Agat development**

A proposed development in Agat – a 15-story, 144-unit, high-end residential hotel – is opposed by southern residents who contend that the proposal did not have input from the affected communities, specifically the residents of Agat.

In August, Gov. Eddie Calvo convened the Southern Development Master Plan Task Force, which will address topics ranging from immediate needs to long-term strategic planning up to and beyond the year 2065 in southern Guam.

The task force was also created through public law by Morrison to address the GLUC planning and approval process.

Save Southern Guam (SSG) lauded the introduction of Bill 366 for its temporary land-use moratorium in the southern villages. Members said the interest in island development needs to be paced and planned properly to offset any impact on the serenity of certain areas in Guam, especially in the south.

**Robert Tupaz**

Working for you!